

DEPARTMENT OF NATURAL RESOURCES

2006 DIRECTOR'S ANNUAL REPORT

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DEPARTMENT OF NATURAL RESOURCES

2006 DIRECTOR'S ANNUAL REPORT

DATE: October 27, 2006

Forwarded to:
Legislative Council
Indiana Economic Development Corporation

IC 4-22-2-28.1(k) Responses

Number of comments, complaints, and questions received from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

Comments and questions were received by the small business regulatory coordinator in LSA Document #05-214(F). Two questions were received from individuals who sell mute swans. Three comments and questions were received regarding the clarification of the definition of owner of farmland as it pertains to land owned by corporations in 312 IAC 9-2-14. These comments and questions related to those to whom the rule would affect, such as son, daughter, uncle, and other family members who own a corporation.

One question was received by the small business regulatory coordinator in LSA Document #05-261(F).

Number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

The two questions in LSA Document #05-214(F) pertained to a proposal to regulate mute swans. This proposal was not given final adoption by the Natural Resources Commission, and the questions were rendered moot. The three comments and questions related to those to whom the rule would affect, such as son, daughter, uncle, and other family members who own a corporation. These were answered to the satisfaction of the citizens.

The question in LSA Document #05-261(F) pertained to the possession and sale of elk as authorized under IC 14-22-20.5 (cervidae livestock operation). The Department of Natural Resources indicated that the rule did not prohibit the possession, sale, or humane slaughter of cervids by a person who has a game breeder license under IC 14-22-20, and operates in compliance with IC 14-22-20.5. It was explained that the Department does not issue a “cervidae livestock operation” license but a game breeder license under IC 14-22-20. With the response being that the rule did not prohibit the activity described in the question, the understanding is that the question was answered to the satisfaction of the citizen.

Total number of staff serving as coordinators under this section during the most recent state fiscal year.

There were five staff members serving as coordinators under IC 4-22-2-28.1 during the State fiscal year 2005–2006.

Costs in complying with this section during the most recent state fiscal year.

Total cost reported by the small business regulatory coordinators in the fiscal year 2005–2006 is \$2,534.78.

The projected budget required by the agency to comply with this section during the current state fiscal year.

The projected budget required by the agency with respect to small business regulatory coordinators, for the current fiscal year 2006–2007, is \$2,741.27.

RULE RECORD FOR
LSA DOCUMENT #05-214(F)

FISCAL YEAR 2005–2006

LSA Document #05-214(F)

(Administrative Cause Number 05-118D)

Filed with Secretary of State June 23, 2006, 2:24 p.m.

Small Business Regulatory Coordinator

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Document History

LSA Document #05-214(F)

Notice of Intent: September 1, 2005; 28 IR 3611

Proposed Rule: November 1, 2005; 29 IR 616

Hearing Held: February 24, 2006

Approved by Attorney General: June 14, 2006

Approved by Governor: June 23, 2006

Filed with Secretary of State: June 23, 2006, 2:24 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted July 3, 2006

Two questions were received from individuals who sell mute swans. Questions related to what they would and would not be allowed to do with the mute swans in their possession. The rule proposal which was in question was given preliminary adoption (312 IAC 9-4-5.5), but was removed at final adoption and therefore, no rules in this package affect individuals or small businesses who sell mute swans.

Three comments and questions were received regarding the clarification of the definition of owner of farmland as it pertains to land owned by corporations in 312 IAC 9-2-14. These comments and questions related to those to whom the rule would affect, such as son, daughter, uncle, and other family members who own a corporation. These were answered to the satisfaction of the citizens.

Comments received at the Natural Resources Commission Meeting

Excerpt from the March 21, 2006 Natural Resources Commission meeting held at Fort Benjamin Harrison - The Garrison 6002 North Post Road, Indianapolis, Indiana

...

Consideration of Rule Processing, Report of Public Hearing, Comments, Response by the Department of Natural Resources, and Presentation for Final Adoption of Rule Amendments to 312 IAC 9 Governing Wild Animal Possession, Mute Swans, Ground Hogs, Deer, and Various Other Amendments to the Fish and Wildlife Rules (Administrative Cause Number 05-118D; LSA Document #04-214(F))

...

Doug Allman commented, "I would like the item of a temporary transport tag be revisited at some point." In talking with other sportsmen, he believes there is a consensus that "a more permanent transport tag as you have done in the past" would be preferable. "The idea of a piece of paper, if it's lost, there is some enforcement issues." Allman said that he did understand that with the electronic license sale system, "there were some issues." He added, "The deer hunters of this state would like a permanent type transport tag that is readily available that they can notch out upon harvesting that animal. I think that is a consistent message, if you ask the sportsmen."

...

Allman said, "The point of sale license is nice and convenient" and added that the temporary tag printed in the Hunting Guide was "better. But there needs to be consistency other than a scrap piece of paper."

Excerpt from Hearing Officer Report dated March 1, 2006

1. REPORT OF PUBLIC HEARINGS AND COMMENTS

A. First Public Hearing (November 29, 2005)

The first public hearing was conducted as scheduled in the Conference Room of the Atterbury Fish and Wildlife Area. Procedures were outlined by the hearing officer. Linnea Petercheff of the DNR's Division of Fish and Wildlife provided an overview of the proposed rules. Lt. Col. Michael Crider of the DNR's Division of Law Enforcement later assisted with responding to citizen questions and by providing insights on the practicalities of enforcement. There were approximately a dozen persons in attendance.

(1) Comments at First Public Hearing

Tim Rose of Columbus spoke on his own behalf on for several sportsmen's organizations, including the Indiana State Trappers Association. He said he understood the amendments, proposed to trapping provisions pertaining to coyotes, were caused by a "blip" and "something that wasn't caught" in a previous rule adoption. He said he had no objection to the proposed changes.

He urged the DNR and the Natural Resources Commission to also make substantive changes to the trapping rules regarding coyotes. Ideally, there would be an unrestricted open season. He said last year the Commission took away the ability to handle untanned hides all season long, and he urged that this ability be reinstated. Rose said there was no reason to believe that lifting restrictions would damage the resource. Both the terms for taking and the season should be made more expansive. "Let's not keep shrinking it down."

Rose said he supported the removal of bobcats from the endangered species list. "Hopefully, someday we'll have a limited season."

Evin "Bud" Bridegan of Churubusco expressed concerns regarding the proposed rule changes pertaining to mute swans. In particular, he urged that the Commission reject the proposed prohibition on their sale. He said he had to list all mute swans two years ago. "Seems funny if we have a problem with mute swans," that the DNR did not take care of it years ago. Bridegan stated that problems with mute swans on some northern Indiana lakes were the result of unwise DNR property management practices.

Bridegan urged that, if enforced, the first two regulatory requirements proposed for mute swans would be sufficient for their control without a prohibition on sale. Proposed 312 IAC 9-4-5.5 would provide that a person in possession of mute swan must (1) pinion the swan; and, (2) place the swan in an enclosure that prevents escape to the wild. He said a person who raises mute swans should not be sanctioned or prohibited from selling them. If a buyer failed to comply with these requirements, the DNR could take action based on violation of the rule. Bridegan said prohibiting him from selling mute swans would pose an economic hardship. Also, if the Commission prohibited him from selling mute swans, what would preclude the Commission from later expanding the prohibition? "Next might be my black Australian swans."

William Herring of Martinsville recalled that the Division of Fish and Wildlife and the Division of Law Enforcement have traditionally held public meetings to receive input prior to the preliminary adoption of amendments to the fish and wildlife rules. He asked whether the process was used in this instance. Linnea Petercheff responded that, with recent staffing reductions, and because of the costs associated the process, it was not. Herring expressed concerns that terminating this process closed an important opportunity for public input. He said, in particular, the ability of citizens to offer new concepts was significantly limited

since a public hearing following preliminary adoption of a rule already greatly limited the scope of discussions.

The hearing officer noted that the Natural Resources Commission has approved a process for a citizen to petition for a rule change. The process is available to a person seeking changes to the fish and wildlife rules, as well as in most other contexts where the Commission is responsible for rule adoption. For example, following a citizen petition, the Commission recently gave preliminary adoption to a rule to modify boating restrictions on an Ohio River bay in Switzerland. This process for rule change petitions is explained on the Commission's web-site at <http://www.in.gov/nrc/policy/rulepet.html>

Herring expressed his appreciation for the explanation. He said he thought it was also important that citizens have an opportunity to seek modifications to fish and wildlife rules in a manner that was not as formal as a petition for rule change. He urged that if the DNR did not resume informal meetings to consider possible changes to the fish and wildlife rules, another process be availed by the Division of Fish and Wildlife. He said this might be accomplished online or through *Wild Bulletin*.

Herring then addressed the spring and fall wild turkey seasons. He said he believes efforts to re-establish wild turkeys in Indiana have been so successful that several hundred thousand wild turkeys have died of old age, predation or disease in recent decades. He believes that tens of thousands now die annually of these causes, markedly more than Indiana sportsmen and sportswomen harvest. He pointed to the "very modest" number taken during this year's initial fall harvest and the minimal impact the fall season has on the species.

Herring urged that the spring turkey season be opened one week earlier than it is currently. He said many states have an earlier beginning, and he believed the resource could easily accommodate this season's expansion. (Herring supplemented his comments at the public hearing with subsequent written comments, and these are set forth later in this report.)

Ralph Atwell of Monrovia expressed concerns with the use of high-powered firearms in Indiana. With reference particularly to recent technical innovations pertaining to the manufacture of muzzle loading guns, he urged that the relatively dense Hoosier population density (as compared with some Western states) posed safety issues. He said shot from new models of muzzle loaders is often capable of traveling long distances. Lt. Col. Crider responded that this subject was previously considered by the DNR, and many of Atwell's concerns seem well founded, but there has been strong public opposition to restrictions on what constitutes a muzzle loading gun for use in hunting.

Atwell said he agreed with Tim Rose's comments concerning the taking of coyotes. He added, "Coyote restrictions on traps should be a lot more liberal than they are right now." (Atwell supplemented his comments at the public hearing with subsequent written comments, and these are set forth later in this report.)

(2) Other Comments Before Close of Comment Period after First Public Hearing

Additional comments were invited by regular mail, email, or telephone. As reflected during the public hearing, the public comment period closed following the first public hearing on December 15, 2005.

312 IAC 9-2-1 (Taking, chasing, and possessing wild animals)

Marie Furmanski
Crown Point
November 27, 2005

I would like to submit comments on the proposed DNR changes for 2005. I have two problems with the proposed changes;

The first is the change 312 IAC 9-2-1 regarding the wording for the taking of groundhogs. Although I understand that this is only a change in the wording and not a change in policy, I would have preferred this to be an opportunity to change the policy. Unlicensed and unregulated taking of any animal should not be permitted at all. This type of policy only ends up adding another species to our endangered list. We already have laws in effect to protect humans against nuisances. This should allow for the taking of animals that are in the wrong place at the wrong time. Ground hogs should be allowed the same respect and protection as any other animal and should not be exterminated like the prairie dog because they are inconvenient ground dwellers. It is rather ridiculous to protect a skunk with a hunting season and not to protect as handsome of an animal as a groundhog that provides burrows for other animals and is useful in other ways.

312 IAC 9-3-2 (General requirements for deer)

Lt. Anthony Stoll

November 20, 2005

In looking at the proposed rule changes, I would like to offer this perspective on the tagging of deer and turkey. In the past, a hunter had a dedicated tag that was attached or supplied (in the case of lifetime lic. holder) This tag, due to the fact that it corresponded to the license via a license number, made the hunter commit to the animal to be tagged by a notch that validated the animal tagged and provided a control on the license being filled. Today due to the point of sale license system and the non issuing of tags from the DNR, a hunter is simply tagging deer and turkey on his/her honor. If the hunter forgets to make a tag or forgets a writing implement into the field, then the animal taken can not be properly tagged under the legal requirements. This could result in a criminal charged filed against the hunter. The law has become obsolete due to technology and the hunter is the one who is most likely going to take the brunt on this evolution.

Solutions:

1. Issue or make available a **uniform** tag to hunters w/ lifetime and youth licenses and landowners that have the corresponding license number of the license holder with locations where the tagged has to be notched immediately upon kill.
2. Do away with the tagging system, since it is an honor system and create a mandatory call in system for deer and turkey where a control number is issued so that the needed biological data can be gathered. This system would be more convenient for the hunter and help prevent hunters from being charged w/ criminal offenses where there was no intent to commit a crime.

Tim Foltz

Roann

November 28, 2005

A few comments before you adjust the hunting rules

Deer tags: Add antlered and antler-less, or antlered and non-antlered, to tag and to check-in station records. This will better track the number of antlerless bucks being killed and will clear up tagging confusion in the field for new/young hunters. They kill an antler-less buck, how do they tag it is a question I hear from new hunters.

License fees: The higher the fees the less people buy them. Therefore, as fees go higher there are few hunters bearing the cost of the DNR, which in turn wants to raise license fees to provide revenue for the DNR. I wish you would bring back the lifetime license.

Depredation permits: These permits are handed out way too freely in my opinion. Most damage I have seen blamed on deer is in fact squirrel and/or raccoon. I have heard of people with these permits killing the

deer and letting most of it, if not all, rot. The receipt of depredation permits should be required to use or donate the meat. Most farmers who cry about deer hurting their crops will dump that much in the course of a year just through handling.

I do applaud the Youth license. That is a great deal both for now and for the future.

312 IAC 9-3-3 (Hunting Deer By Firearms)

Aaron Michael Fisher

Avilla

November 17, 2005

I am writing in regards to the proposed rules changes for this year. I would like to suggest that Indiana do as the neighboring Midwestern states and shorten the Firearms season. Our two week season being held in the middle of the peak rut furthermore hinders our ability to sustain mature whitetail bucks. The one buck rule that took effect 3 years ago has made a vast improvement in the quality of bucks that myself and all the other hunters that I talk to have seen. I believe the final step in the equation for Indiana to grow mature bucks is to go to a 3 & 4 day firearms season that is past the peak of the rut. I had the opportunity to go to Pike Co. IL this year and hunt some of the finest ground in the nation. Indiana has the habitat, we have the deer, all they need is the opportunity to grow old. I strongly believe that a shortened firearms season is what Indiana needs to be a top producer. The hunters that would be opposed to this type of change generally shoot the first horned deer that comes by anyhow and this wouldn't effect their ability to get "their buck" for the year. It would be a win, win situation for everyone.

John Dosch

Washington

November 18, 2005

I would like to propose that a change be made to the Indiana Deer hunting license. As the rules read right now the firearm license is good for a buck only. With Indiana using the one buck a year program I would like to propose that the firearm license be changed to read either/or sex for those of us that might harvest a buck during the early archery season. This year I had bought all my license's early in order to get my entries sent in for the military and State park hunts. October first I had the buck of a lifetime present a wonderful shot and I took it, therefore fulfilling my one buck quota, leaving my firearm season license useless. I am a middle of the road income head of house hold with a child in college the \$24.00 that was lost on the unused license will not break me but it could have been put to a more effective use. I would appreciate your attention in this matter.

Gary Stiller

Floyds Knobs

November 18, 2005

I feel that Indiana's gun qualifications or regulations for legally taking deer needs to be reviewed. Many hunters are now using "handguns" that are nothing less than a high powered rifle with the stock cut off. One of the main reason's slug guns are used in Indiana vs high powered rifles is for safety reasons. These so called "handguns" some utilizing .243, .270 caliber cartridges, are capable of producing velocities and distances equal to a high powered rifle of the same caliber. I do not think using such firearms is safe for hunters or for residence in and around deer hunting property. I feel this should be looked at closely and update the definition of a legal handgun, and caliber of cartridge. I quite hunting in an area where I new at least 2 hunters were utilizing such weapons and calibers because I did not feel safe hunting in the area.

I do not think limiting barrel length is the answer. I believe there has to be a specific description of what a legal handgun is and qualify what specific caliber of cartridge can be used.

Chuck Sims

First Group Engineering, Inc.
November 21, 2005

In regard to 312 IAC 9-3-3:

As modern muzzleloaders have evolved the design and capabilities have increased to a point where they exceed the limitations of shotgun slug ballistics. I do not believe this was the intent of IDNR when they began the muzzleloading season. I would highly recommend IDNR to reevaluate the purpose of muzzleloading season and only allow traditional flintlock or percussion firearms using BLACK POWDER ONLY. I would recommend the modern high velocity, long range "muzzleloaders" be banned completely IF you are going to maintain the "short range shotgun " theory behind your current regulations for firearms season. If you would allow short range rifle ,pistol cartridges in long guns, say limited to such calibers as 357 mag.,44 mag.,30-30, 35 rem., 45 colt, then I would agree with allowing the modern muzzleloaders, but only in firearms season.

I also believe the IDNR concept of handgun hunting is totally outdated and contradictory to your long gun regulations.. Allowing high velocity, long range rifle ammo be used in handguns gives a person much more range, well beyond shotgun range. But, because a handgun is inherently less accurate, the odds of wounding an animal is increased. A complete miss will send a high velocity RIFLE CARTRIDGE into the next County.

As with my above recommendations to allow short range rifle cartridges for firearms season, I would recommend only allowing the use of short range rifle or pistol cartridges in handguns.

The current trend for allowing longer and longer range "legal firearms" in Indiana is alarming to me. This is making many hunters think they can shoot ridgetop to ridgetop at a deer. The reality is, most hunters don't practice enough to make accurate shots at game past 50 or 60 yards. The shotgun, short range caliber rifle or handgun and traditional muzzleloader, should limit the hunter to around 100 yard shots and would be more in line with the hunting terrain and population in Indiana along with the general intent of your current regulations.

Thanks for listening and taking comments.

Dennis Schmidt

November 23, 2005

My opinion as to the rule changes would be to extend shotgun season for deer to 3 weeks but to also keep the present bag limits for any one county as they currently stand.

Rationale:

I have been hunting deer during the shotgun season for many years, and I hunt legally. There have been many seasons when I have not taken a deer, or where I have only seen deer skirting my area and therefore have no clear shot. If the season were longer more deer could be taken within the guidelines of bag limits set by the DNR.

Deer-vehicle collisions are occurring more often. I have seen deer in very populated areas around Bright, IN. We all know that deer are moving more during the rut as well as the onset of cold weather. So the usual areas we scout may not hold true during the gun season.

I thought the idea of the half priced tag if the deer is turned in for a food bank was a meager effort at deer population control. Thanks for the opportunity to voice my ideas for rule changes. I'll be glad to help in any way.

Keith Dilts

November 23, 2005

Good morning. I am a subscriber to wild bulletins from the DNR. I had a chance to go to the link provided giving further details of the proposed rule changes. The one that really has me concerned is the narrowing of the definition of a legal muzzleloader firearm. I agree that technology has advanced their capabilities greatly over the last several years. The term "primitive firearm" no longer really suits them. However, with the ongoing problem of deer / vehicle accidents being so prevalent in our state, why weaken the hunter's ability to legally take deer during this season? The gain in accurate range should be welcome, not discouraged. What reason exists for introducing this amendment?

Ralph C. Atwell,
Monrovia
November 30, 2005

Steve, I would like to add to my statement last night on 312IAC-9-3-3 a Muzzle Loader should only be loaded from the muzzle; both powder and bullet. Muzzle loaders that use a cartridge for the powder and primer, put in the chamber with a Bolt action should not be considered in the muzzle loader family.

Also, on the safety part of loading; the safe way is powder in the barrel; push the bullet down the barrel with the ramrod 'till it seats on the powder, then put the primer on the nipple and you are ready to fire. Putting a bullet down a barrel that has the powder and primer in the chamber which makes it ready to fire, could make a very serious accident. I hope that this rifle is deemed not legal for hunting deer in Indiana.

Jeff Steininger
Walkerton

As firearms continue to develop, certain rules for deer hunting need to be addressed. I see that the Indiana DNR has responded to blackpowder and shotgun development and by implementing some sensible changes, allowing .45 cal blackpowder guns for example.

I, for sometime now, have been hoping for some reasonable changes with regard to rifles that might be allowed. As the current rules stand, some very powerful and long range handguns are allowed (those essentially chambered for rifle rounds), while traditional handgun cartridges are not if fired from a rifle

The goal, I believe, should be to provide the hunter with the most effective and humane firearm available, while still maintaining some degree of safety with regard to the dangerous range of these guns. I would propose allowing straight walled cartridges with enough power to ensure a clean kill—these such as the .357 mag., .44 mag., .41 mag. .444 Marlin and others don't have nearly the dangerous range, as say a .308 'pistol' that is currently permitted, but would give the hunter a more accurate and overall safer firearm to use in the field.

This would reduce, I'm sure, the number of wounded animals that are never recovered each year from hunters who can't resist taking the long shot with the shotgun or pistol that he or she really should not attempt.

James Slover
December 3, 2005

I hope that you will consider my thoughts for the proposed rule changes. I am a little late on my response do to the illness, and passing of my mother. I am not sure if you only wanted responses to the posted proposals, or if any additional items may be considered. I think that the number one thing that I would like to see changed is for handicapped deer hunters to be allowed to use a handgun in muzzleloader season. My father has had two strokes, and now hunts with a handicapped permit. I can see how difficult it is for him to use a crossbow in archery season with the use of only one arm. He uses a tripod, or a limb to rest the bow, or his hand gun on to steady it. That limits how much of a "window" of shooting you have. The deer

must come from the direction that the tripod is set up on, because your not able to swing the gun/bow very much. He does have a muzzleloader, that he can use in muzzleloader season, but that is very difficult to do one handed, more so that a handgun, especially when reloading. I was thinking that with as many deer that there is now in the state, that it would not adversely effect the population if handicap hunters only would be allowed to use muzzleloaders, or handguns in muzzleloader season, only to fill the tags that they would otherwise be able to in that season. I know that muzzleloading handguns are allowed, but I am concerned with the reloading with one hand, he probably would half to hold the gun between his legs, with the muzzle pointed up towards his face to reload one handed, and you can see the dangers of that, that is why I haven't bought him one.

...

On the topic of legal muzzleloaders, my thought is that for late season muzzleloading, that only flintlocks, side-locks, or inline guns that don't break open like a single shot be allowed. The original inline guns offer a little more reliable ignition, but don't really make them any faster to load, or other advantages. I do think that the break open type, or the ones that you can load everything from the breach, shouldn't be allowed except in firearm season only. I think that there should be some clarification to the firearms license, as now it is a buck only tag. If someone kills a deer in archery season, and they have already purchased there firearms license, it just became \$24 down the drain, being that it is a buck only tag. The hunting guide says that you must purchase a firearms license to buy a bonus permit, what if you have already got your buck? It should read like the archery tag, either, or, if the state wants to stay with one buck only, which I think should go back to the way it used to be. I got a e-mail on wild bulletin saying that hunters need to take as many does as they can use because the population is getting out of hand, but you want only one buck to be taken!?! Don't make sense to me! Most of the ones that want one buck only, either don't hunt in archery, or are after big antlers only, and don't care about the meat. I hope you will consider my thoughts.

312 IAC 9-3-12 (Foxes, coyotes, and skunks)

James Slover

December 3, 2005

The next request would be to open coyote season for hunting to year around, without needing to be a landowner. The population is getting so out of hand, that there needs to be some relaxation to the rules. At a minimum, extend the season till the end of the spring turkey season. There is several times that I have, or others that I know have had coyotes come in to turkey decoys. There has been a noticeable decline in the small game animals in the last several years, that I believe is a result of higher populations of coyotes. This year, I have only seen two chipmunks, in a woods that for years anywhere you would hunt you could see them about every day in early archery season. Last year I only seen 3 or 4 all season. It seams that pheasants and quail are getting lower in numbers too.

312 IAC 9-3-19 (Endangered and threatened species of mammals)

Dr. Judith C. Nelsen

Fort Wayne

November 23, 2005

I object to removing the above three animals from the endangered species list. Finding a few individuals in some counties (and bobcats only in 32 counties) does not mean that the species have reached the point at which they can successfully continue to reproduce without inbreeding.

If we begin harvesting these animals already, they will again decline. I understand that at some point hunting can be allowed, but I believe it is premature to do so now.

Marie Furmanski

Crown Point
November 27, 2005

I would like to submit comments on the proposed DNR changes for 2005. I have two problems with the proposed changes...

The second problem is the removal of the river otter, badger, and bobcat from the endangered species list. I have spent several thousand hours in the past 5 years taking pictures along Indiana rivers and in areas where suitable habitat would suggest these animals would have been. I have also spent time in state parks where the river otter has been reintroduced. I have seen plenty of other wildlife but not any river otter, badger, or bobcat. Even though I was not deliberately out to obtain photographs of these animals I would think that in five years and so many hours I would have spotted some if they were plentiful enough to remove from endangered protection. Frankly I think that we are removing too soon their protection. Erring on the side of caution may provide future generations of Hoosiers with plenty of these lovely animals to provide pictures and sport. Personally just to see a river otter would make my year! Thank you for posting this opportunity to remark on the website and newsletter.

312 IAC 9-4-5.5 (Mute Swans)

Carole Davis
Osceola, IN 46561
November 30, 2005

DNR—leave our mute swans alone. I heard that the DNR wasn't concerned when hunters killed swans on the St. Joe river this summer. Now I know it was true. The male that was killed left a mate & several young swans. We love the swans & my grandchildren are going to cry when I tell them what the DNR wants to do. Our property has had bullets on it from your hunters & we are afraid to go outside in the fall.

P.S. Your officers come out here & warn us to leave the hunters alone or we could be arrested!!

Jacki Combs
November 30, 2005

I am writing in regards to the ruling from November 29, 2005. I am giving you my opinion on this issue. I think that we here in Indiana should be able to buy and sell animals such as this. We can raise them and not sell them?

Lora Bridegan
November 30, 2005

Steve, please keep the rights of the mute swan raisers to be able to sell them in the state of Indiana. Thanks

Jennie Collingsworth
Albion
December 1, 2005

I wish to be able to sell Mute Swans in Indiana. Please reconsider DNR 212 IAC 9-4-5.5, it doesn't make sense.

Mallory Groen
December 01, 2005

I have been told that there is talk about banning the buying or selling of mute swans in the state of Indiana. I have a major problem with this. My family along with many others make a living off of this and to ban these swans would be detrimental to our yearly intakes. Also all of us who raise these swans have spent a

lot of money on fencing and ponds and incubators. If the state wants to ban mutes they can have open season throughout the year to get rid of the ones in the wild, but I ask that you please not ban the buying and selling of these birds. They are beautiful birds that when under control (by us who raise them) are not detrimental to the environment.

Doug Edwards

Lake Village

December 2, 2005

Doug Edwards telephoned and offered comments. The comments are summarized as follows: Stopping the sale of mute swans is "totally unacceptable", and "I'm totally against this."

Arthur and Joyce Chapman

Goshen, IN 46526

December 1, 2005

Please reconsider your proposal to make taking or killing mute swans 'easier.' We have had mute swans over 35 years on our pond. They have lived with all other native water fowl with no problems. If you watch, say a flock of chickens awhile you will see they also do a bit of 'bickering.' (Like people?) Swans are about the largest waterfowl in Indiana. Their attitude of defending family, territory and food may seem "aggressive" because of their size in comparison. They are not a mean bird. They like to live as well as you and I. There are too many people that anything wild frighten them. Some people see a wild animal as something to destroy, starting with the smallest size, ants. The world can only operate set up and controlled by natural act of the "food chain." Please note that people themselves often force a swan, etc. to become defensive (annoyed?) so they can then say, see, this animal doesn't like me. Liking is not the point. Do their neighbors like them? Please let us take care of, accept, and let live all creatures. The world is already losing so many forever.

Randall and Lori Groen

December 5, 2005

It has come to our attention that the state is trying to pass a law prohibiting the sale and ownership of mute swans. We are totally opposed to a law of this nature. We raise mute swans, as well as other waterfowl and animals. We have a lot of time, energy and money wrapped up in the care and breeding of these animals. Many other animal owners will tell you the same thing. We really cannot understand the reasoning for this law.

If you supposedly have trouble with mute swans in the wild destroying vegetation in the state, come up with another solution to the problem which will target only the wild mute swans. This is similar to the whole chronic waste disease dilemma--first it was so bad in Wisconsin--now they discovered it was not so bad; however, this after bankrupting deer farmers throughout the state--also, chronic waste disease was never detected in our state as of this date.

They way things are going, individuals devoted to wildlife will not be able to raise anything--everything will be outlawed. Please take our opinion into consideration before you decide to put a law like this into effect.

Clyde Robinson, B.S., Biology

December 5, 2005

Although I am not familiar with the details of your proposed law, and it does not directly effect me, I urge you to reconsider your proposed policy of not allowing the sale of captive swans. I realize that the proposed

rules are probably an effort to eliminate or reduce the possibility of creating a feral population. However, should such a policy be passed, many of the people legally possessing birds (which I know are plentiful), will not have an outlet for their birds, thereby resulting in surplus being released. Additionally, since this bird is a beautiful bird often sought to enhance aesthetics, your proposed policy may initiate illegal housing of this bird. I realize sometimes solutions to problems can be difficult, but putting more restrictions on an already challenged trade (i.e., aviculture) certainly is not a solution.

Thanks for your time.

312 IAC 9-4-11 (Wild Turkeys)

Steven K. Mitchell

November 13, 2005

My name is Steve Mitchell and I am a resident of Tippecanoe County and a Lt. on the Lafayette Fire Dept. and I had a disturbing experience this past spring Turkey season of 2005. I took my 14 yr old daughter and my 11yr old son Turkey hunting for the first time. During our hunting, we stopped and spoke to a land owner adjacent to the property in Warren county we had permission to hunt on, and inquired if he had noticed may birds this spring. He proceeded to tell me that due to an early warm spell the third and fourth weeks of March, the Toms were strutting and evidently breeding at the end of March. This was evident to him due to seeing a hen come busting across his yard that was pushed out by hunters entering the property next to him and as the hen came across his yard he noticed she dropped an egg! This situation concerns me from the standpoint that if this was occurring here, then how many other times was this happening around the state? How much of the spring hatch was being lost? My thoughts led me to think it would be a better situation if our state spring season opened on March 15, instead of April 26th, and ran until May 15th, then hunters would be better able to catch the "breeding" time and be more successful during the "strut" and more would be out of the woods to not disturb nesting or bred hens to loose they're coming hatches. I would think this might benefit the over all increase of the Turkey population in the long run with "no" bag limit or gender changes to the season. I would love to know if my layman thoughts are anywhere close to being correct with the biologist's data and knowledge of the species? Respectfully requested, Steven K. Mitchell (avid outdoorsman and father)

Gilbert Black

November 28, 2005

I'm wanting to find out if this question will make the meeting at Atterbury fish and wildlife 11-29-05.

I've notice over the years that the Turkey season has been getting later and later in the month of April. It makes it harder to call a bird in when the season is already deep in the Turkey's breeding time.

It seem that the Toms' are starting to strut at the end of March and the first couple of weeks in April. And they are more responsive to calls at this time. Every season I hear more and more how people are not turkey hunting because it is too late in the season. And I'm starting to feel the same way. So my Question is: Why are you starting the turkey season so late? Every area of the state is different in weather and climate. I live in the southern portion of the state in Jefferson Co. and when the turkey season begins here, the birds are more unresponsive as the weather gets warmer. This coming year the season comes at the tail end of April and more into May. By this time the breeding season is just about over.

This past year while hunting, me and some other hunters I've spoke with have ran upon more Hens on the nest With eggs already than Toms' in the field. This tells me it was quite late in the season. More and more I can see people not purchasing turkey tags, but are waiting for the next deer season.

I think a study of the turkey in the northern part of the state vs the southern, eastern or western part, would give better insight of when season needs to start. I help set up the Hunter education classes in Jefferson co. and I'm planning a class in January/February so hunters will be ready Turkey season. In the last class I had 58 participant and I've had other hunters taking their kids to class ask about the turkey season coming in so late. I had no answer....

I hope this is a question that can be addressed. I'm hoping for a turn out for this class as I had for the last class.

William C. Herring

Martinsville

December 2, 2005

A point of clarification on the verbal comments I gave at the 11-29-05 hearing at Camp Atterbury:

I believe that a few hundred thousand wild turkeys in Indiana have died of old age, disease, and predation since being reintroduced over 35 years ago. To that I would add that nowadays tens of thousands die in such ways each year, which is considerably more than the reported annual legal harvest by Hoosier hunters (approximately 11,000 toms in the spring of 2005). Thus, the turkey population can easily sustain a considerably greater harvest, both of toms and hens, especially in the fall seasons. It seems such a shame to see so many turkeys die at the hands of Mother Nature, when a significant percentage of those could have graced the Thanksgiving tables of Hoosier families by liberalizing the fall season for hunters using shotguns. Other states do it. So should Indiana.

I also believe Indiana should open the spring season for tom turkeys a week earlier. Again, many other states have an earlier start. This would improve the chances for hunters to bag a tom.

Thank you very much for considering my comments.

312 IAC 9-5-11 (Turtle possession permit)

Tim Hulsey

November 28, 2008

I am a lifelong resident of Indiana and have served 7 ½ in the USMC am also a land owner and avid hunter with my family. The concern that I would like to address is the Box turtle rule. I agree with it but the problem I have is that we have had one for over 15 years and when the new law came out we did what was appropriate and called the Conservation Officer in our area to come out and inspect the living quarters of our turtle and get the paper work turned in. Well since last year we lost our beloved little turtle and when checked on what to do with it, nobody has been able to tell me what I need to do. Right now it is still in the freezer until we can find out what to do with it. Any help would be appreciated, and it seems that if you want to enforce the law on having them then all concerned parties need to know what to do with them. Thank You for your help and response and keep up the Good Job of taking care of Indiana Wildlife.

312 IAC 9-10-5 (Taxidermist licenses)

Jim Phares

Westville, IN 46391

I recently received a copy of the taxidermy laws and the proposed rule changes for taxidermists in Indiana.

We operate a large taxidermy studio in Northwest Indiana and our main clientele are big game hunters hunting outside of Indiana and outside of the United States. Although many of our customers are Indiana residents, many live out of the state and even out of the country and we never meet them in person.

I would like to address the items under the taxidermy rules including the old rules and the proposed changes and I would like to offer some suggestions that might be more easily interpreted and enforced.

(c) Any reputable business should keep records of who they are doing business for and what they are doing for them and we are no exception. The old rules and the proposed changes do not take into account normal business practices. At some point all of our records will spend some time away from our premises with our bookkeeper and or our accountant. Everything can be available but not necessarily at the moment an officer wants them. A taxidermist should not be in violation if he or she has to retrieve information about a customer from an outside service actively engaged as part of the business.

The new proposal states that a copy of our records must be available upon request. This is not clearly defined. This implies that we are to have a physical copy of all of our business activities for the last two years to be able to hand over to a conservation officer. If an officer comes to our studio and asks for a copy of all our records for the last two years he or she would have to plan on spending a few days here. Providing an officer with information pertaining to an individual or individuals would be a simple matter of copying the specific information desired.

Better wording would be: **information outlined in Sec. 5(c) must be available to a conservation officer upon request.**

(d) Deletion of (a person who delivers) would be a good change. As I stated earlier we and many other taxidermists perform taxidermy work for people we never meet. The person who delivers is often the UPS driver or the driver for a trucking company. The practice of taxidermy often involves many steps including but not limited to skinning, washing, salting, drying, shipping, and tanning. Tags absolutely do not survive the tanning process and are often ruined during salting and drying. Many tanneries remove them as a matter of practice to avoid having pieces of them in all of their equipment. The only practical means for a taxidermist to positively identify hides of any kind during the entire taxidermy process is to mark them with a punch that makes an identifying mark or marks completely through the hide, usually a number, in the skin. This identifying number is recorded to positively identify each and every animal part that we are handling. We tag every antler, horn, skull and anything else we cannot punch a number into. Punching a number is the only way that tanneries identify hides. If we have the information outlined in (d)(1)(2)(3) why should it have to be on each and every part? Better wording would be: **The carcass or any part of a wild animal that is delivered to a taxidermist must be tagged or marked in a manner to positively identify the animal or part with the information outlined in (d)(1)(2)(3).**

(4) Why? Deer and turkeys are the two main species that most taxidermists in Indiana are involved with and they should have already gone through a check station before a taxidermist would see them. Often the person delivering the animal to a taxidermist is not the person who obtained the animal and probably will not have all of the new information. We will be required to turn away income if the new information is not made available to us even though the animal was taken, possessed and transported to us in a perfectly legal manner? What if the animal was not taken in a county or state? Whitetail deer, turkeys and other native Indiana species are hunted in Canada, Mexico, and other countries. We have mounted deer from both Canada and Mexico.

We have been operating a taxidermy business in Northwest Indiana for over 25 years and have evolved into a specialized service for big game hunters from all over the U.S. and beyond. When laws are passed that are difficult to interpret, apply or follow I believe that the IDNR has a obligation to learn more about how a taxidermy business operates before making decisions that will adversely effect our livelihood.

Additional Comments

The following comment does not appear to address an issue given preliminary adoption but is included for completeness and for any appropriate action by the Natural Resources Commission:

Ron Radcliffe

Birdseye

November 29, 2005

I would like for the Indiana squirrel season to be extended thru February. Our neighboring states have done this with good results. The extended season does not harm the squirrel population and gives the hunters who hunt with dogs one month to have the woods to themselves to train young dogs. This can be one season change that no one should oppose. Our border states have had good success with the extended squirrel season and no complaints.

Thank you for considering mine and other hunters suggestions.

B. Second Public Hearing (February 24, 2006)

(1) Comments at Second Public Hearing

The second public hearing was convened as scheduled on February 24, 2006 in Room W272, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana. No member of the public appeared.

(2) Other Comments Before Close of Comment Period after Second Public Hearing

Additional comments were invited by regular mail, email, or telephone. As reflected in the notice posted on the Commission's web-site, the public comment period closed on February 28, 2006.

312 IAC 9-4-5.5 (Mute Swans)

Tony Kaiser

January 26, 2006

Tony Kaiser of Butler, Indiana telephoned to express his opposition to amendments proposed with respect to the regulation of mute swans. He said, if a private person in Indiana wants to own mute swans, the swans should be pinioned. This procedure would eliminate any problems mute swans might pose in the wild. "It's very unfair" to prohibit a private person from owning a pinioned mute swan. If the state has a problem like this in the future, it should let people know. You can't comment on something if you don't even know something is being done.

312 IAC 9-3-19 (Endangered species of mammals)

Danny Vranich

Fort Wayne

February 22, 2006

I am submitting my thoughts on the proposed changes to Indiana's fish and wildlife administrative rules. I think the bobcat, river otter & badger should be put back on the state's endangered species list. Noting the number of counties that these species have been documented in doesn't mean that viable breeding populations exist in these counties.

Also Gov. Daniels' plan to increase timber harvest by 400 to 500% on State Forests will put increasing pressures on these populations from loss of cover to increased siltation. I think taking them off the endangered species list is premature at this time.

3. RESPONSE BY THE DEPARTMENT OF NATURAL RESOURCES

The hearing officer invited the Department of Natural Resources to respond to citizen comments on the rule proposal. Those responses were received from Linnea Petercheff of the DNR's Division of Fish and Wildlife on December 20, 2005 and are as follows:

312 IAC 9-2-1 Taking, chasing and possessing wild animals

The DNR believes that groundhogs should continue to be able to be taken by landowners and others when needed without the need for a permit or with restrictions on the method use due to the potential for property damage. It is not necessary for the DNR to restrict the taking or possession of groundhogs at the present time.

312 IAC 9-2-14 Fishing, hunting, and trapping without a license by owners and lessees of farmland

This rule proposal was initiated to clarify the exemption for owners and lessees of farmland who are hunting without a license to apply only to those who reside on the land if the owner is a corporation, limited liability company or partnership. The definition of "farmland" in IC 14-22-11-1(a) is very broad and does not require a minimum acreage; "owner of farmland" is also not defined. This rule proposal is in response to conservation officers reporting instances in which shareholders of corporations (including utility companies) and hunting clubs that own farmland in Indiana, and their families, are hunting that farmland without obtaining a hunting license by claiming this exemption. As a shareholder, they are claiming that they own a portion of every acre of that land. The intent of the exemption in the statute was to allow the farmer or lessee of the farmland to hunt their own land without a license, and that would still be allowed. Individuals who own farmland and don't live on the farmland can still hunt on that land without a license. Furthermore, the individual that lives on at least a part of that land, even if it's not all contiguous, can still claim this exemption. This rule proposal would also apply to both resident and non-resident corporate ownership of farmland. Additionally, more farmland is being purchased by corporations (which can be a group of hunters), so the number of hunters claiming this exemption continues to increase, reducing license revenue for the Divisions of Fish and Wildlife and Law Enforcement. Furthermore, these corporations are buying up big blocks of land, so not only is every shareholder or "part-owner" hunting without a license, they are also reducing the amount of land that can be hunted by others.

The DNR is proposing to modify this rule proposal as a result of verbal communication with Chad Frome in the Lt. Governor's office last summer regarding farming corporations that are solely comprised of family members. The intent of this proposed rule is not to prohibit families who farm the land from being able to claim this license exemption; therefore, the highlighted section in (b)(4) is proposed to be added to the original proposed rule language. Immediate family would include the father, mother, brother and sister living in the same household. An individual who is a co-owner of a farming corporation owned solely by family members could still claim this license exemption if the individual either lives on the land or actively farms that land. Because of comments at preliminary adoption for an example, Illinois allows hunting permits to be issued without charge to shareholders of a corporation which owns at least 40 acres of land, but only one permit may be issued without charge to one shareholder for each 40 acres of owned by the corporation in a county and no more than 15 permits may be issued to shareholders of any corporation in any county.

312 IAC 9-2-14 Fishing, hunting, and trapping without a license by owners and lessees of farmland

Authority: IC 14-22-6-1; IC 14-22-11-1

Affected: IC 14-22

Sec. 1. (a) An owner or a lessee of farmland and a family member of the owner or lessee, if exempted under IC 14-22-11-1, may:

- (1) fish;**
- (2) hunt; or**
- (3) trap;**

on the farmland without obtaining a license under this article.

(b) For farmland owned or leased by:

- (1) a corporation;**
- (2) a limited liability company;**
- (3) a partnership; or**
- (4) another person other than an individual or individuals;**

the license exemption applies only to an individual who resides on the farmland, or for corporations owned solely by members of one family, at least one member of that immediate family must actively farm that land. *(Natural Resources Commission; 312 IAC 9-2-14)*

312 IAC 9-3-2 General requirements for Deer

The DNR has a new automated licensing system, resulting in deer licenses being printed without a tag attached. Lifetime license holders and youth license holders have been using their own piece of paper as a temporary transportation tag for several years until they take the deer to the check station. This year, conservation officers have reported many deer hunters not tagging their deer due to the fact that the deer hunter forgot to include a writing instrument and piece of paper to tag their deer while out hunting. However, the DNR hunting guide is clear that deer hunters must bring their own paper and pen or pencil to tag their own deer. Currently, a deer hunter could use the bottom of the piece of paper on which the license is printed as a tag, or the hunter could cut out the sample tag in the hunting guide or print it off of the DNR website.

In response to our automated licensing system printing out corresponding, numbered tags with each deer license purchased, printing out tags for every deer license purchased would result in 3-4 weeks of programming time that is urgently needed on other licensing system issues. Furthermore, license vendors would have to use even more toner in their printer when printing out deer licenses if a tag was also produced for every deer license purchased. The DNR is currently pursuing the possibility of advertising at the bottom of the paper on which a license is printed, so the use of that space as a tag may not be available in the future. The DNR is also currently pursuing the possibility of giving license vendors a sample tag that can be handed out with the purchase of a deer license and also use that paper to advertise the Turn-in-a-Poacher Program.

The DNR is not yet ready to create a call-in or tele-check system for checking in deer. The DNR is currently researching the possibility of automating check stations, but is not yet capable of doing so.

Additional comments were received regarding the issuance of deer depredation permits and check-station records. Those comments have been received and forwarded to the appropriate staff, but there are no current rule proposals addressing these issues. Deer license fees were not increased last year, and lifetime licenses are no longer issued due to legislation passed in 2005 by the Indiana General Assembly.

312 IAC 9-3-3 Hunting Deer by Firearms

There is no proposal to modify the deer firearm season at this time. Comments regarding changing season dates have been forwarded to the Division of Fish and Wildlife's Deer Management Biologist.

The DNR is not proposing any change to the one-buck rule at this time. The DNR is conducting research that will determine the public support of the one-buck rule and should have information in late 2006 relative to that rule.

The DNR is also currently reviewing the laws governing deer licenses and their prices. Research is being done to determine the effectiveness of our current deer license structure and the deer license fees.

The DNR is also beginning the process of reviewing the administrative rules for legal weapons during the firearm season and muzzleloader season with the ever-changing technological advancements in firearms. The DNR proposed a change in 2003 to not allow smokeless powder during the muzzleloader season and received an enormous amount of opposition from the public, including a manufacturer, and the proposal was dropped. The only change currently being proposed is only to allow muzzleloaders that are capable of being loaded from the muzzle, both powder and bullet. Technology for muzzleloaders continues to evolve, making them more powerful and have a longer range, approaching the performance of a high-powered rifle, which is not legal to use for hunting deer in Indiana. This evolution has made the latest advancements less primitive, which was the intent of the muzzleloader season. The newest trend allows a muzzleloader to be loaded with a cartridge from the breech end while only the bullet is loaded from the muzzle. This allows a faster bullet speed, more power and longer range.

The DNR is proposing to modify the language highlighted below as a result of comments from law enforcement to the Division of Fish and Wildlife that clarification is needed. The proposed changes would clarify that lifetime licenses that were issued prior to July 1, 2005 (lifetime licenses are no longer issued) are still valid for hunting deer and to clarify that the license for hunting deer with a firearm is valid only during the firearm season established in subsection (b) and the license to hunt deer only with a muzzle loader is valid only for hunting deer during the season established in subsection (c).

312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer by firearms under IC 14-22-12-1(12), ~~IC 14-22-12-1(13), or IC 14-22-12-1(15), or IC 14-22-12-1(16)~~ during the season established in subsection (b); or
 - (2) issued a license to hunt deer by a muzzle loading gun or muzzle loading handgun under IC 14-22-12-1(13) or IC 14-22-12-1(16) during the season established in subsection (c); or
 - (3) issued a lifetime license under IC 14-22-12-7 prior to July 1, 2005 during the seasons established in subsections (b) and (c); or
- ~~(2)~~ (4) hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:

- (1) The firearms season using:
 - (A) shotgun;
 - (B) shotgun with rifled barrel;
 - (C) handgun;
 - (D) muzzle loading gun; or
 - (E) muzzle loading handgun;

is from the first Saturday after November 11 and ~~continuing~~ **continues** for an additional fifteen (15) days.

- (2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzle loading gun or muzzle loading handgun only:

- (1) extends from the first Saturday after the firearms season established under subsection (b); and
- (2) continues for fifteen (15) additional days.

The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

- (e) A person must not **do the following**:

(1) Hunt deer unless that person wears hunter orange.

~~(f) A person must not~~ (2) Possess bow and arrows while hunting under this section.

~~(g) (f)~~ The following requirements apply to the use of firearms under this section:

(1) A shotgun:

(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; ~~A shotgun and~~

(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A handgun must:

(A) conform to the requirements of IC 35-47-2;

(B) have a barrel at least four (4) inches long; and

(C) fire a bullet of **two hundred forty-three thousandths** (.243) inch diameter or larger.

All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least **three hundred fifty-seven thousandths** (.357) inch or larger. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading ~~firearm~~ **gun** must be **capable of being** loaded **only** from the muzzle, **including both powder and bullet**. A muzzle loading ~~firearm~~ **gun** may be possessed in the field outside lawful shooting hours only if:

(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or

(B) for flintlock firearms, the pan is not primed.

(4) Over-and-under combination rifle-shotguns are prohibited.

(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538)

312 IAC 9-3-12 (Foxes, coyotes, and skunks)

Coyote hunting and trapping seasons were extended in 2004. This provided an additional 6 weeks of coyote hunting opportunities and an additional 10 weeks of coyote trapping opportunities. Coyote hunting and trapping seasons extend from October 15 to March 15. Opportunistic taking of coyotes during other hunting seasons has not been proven effective for controlling coyote population levels.

It is currently legal for a property owner to take coyotes anytime of year without a permit or for individuals who have written permission from a landowner to take coyotes. The requirement of written permission for coyotes taken outside the regulated hunting and trapping season is required by state statute in Indiana Code 14-22-6-12 for law enforcement purposes, and a change can only be made to the requirement for written permission through the state legislature. Coyotes can also be taken by individuals who have a nuisance wild animal control permit throughout the year, and the permit is available free of charge.

Indiana statutes and administrative rules governing nuisance coyotes were written to provide property owners with the flexibility to control coyote problems outside the regulated hunting/trapping season.

Please note that it is legal for a private landowner to take nuisance beavers, raccoons or other furbearers causing property damage outside the regulated hunting/trapping season but it is not legal for the landowner to possess the animal or its parts (e.g., untanned pelts). Modifications to rules governing coyotes and their parts in 2004 ensured consistency with laws that already govern other furbearer species. In 2004, the DNR changed the administrative rule governing the taking of coyotes to clarify that coyotes taken outside the season on a person's own property or with written permission cannot be kept. The purpose of allowing coyotes to be taken at any time of year is to allow coyotes that are creating a nuisance or causing damage to property to be taken. A game breeder's license can be obtained for the possession and breeding of coyotes. The coyotes have to be obtained legally, but that can include coyotes being taken during the hunting and trapping season.

312 IAC 9-3-18.4 Possession and sale of bobcats, river otters, and badgers

The DNR would like to make one modification to the following rule to clarify who has the authority to authorize possession of a carcass, hide or part of a bobcat, river otter or badger that is killed accidentally in Indiana. Although these three species of animals are being removed from the state's endangered species list, they still cannot be taken from the wild in Indiana. Some trappers believe that this proposed language could allow them to keep a part of one of these animals that is accidentally killed in a trap set for another animal. It is critical that these animals, if accidentally captured in a trap, be reported to a conservation officer and be given to the Division of Fish and Wildlife's Nongame Mammal Biologist for research purposes. These hides and other parts can then be given to educational and scientific institutions and DNR employees for educational purposes only with written authorization.

The DNR believes that 14 days is sufficient for a person who has the means to take a bobcat, river otter or badger outside the state to either obtain a fur buyer's license or have it given to a licensed taxidermist after returning to Indiana. This time frame is consistent with that of other states and allows for proper protection of these species that cannot be legally taken from the wild in Indiana.

312 IAC 9-3-18.4 Possession and sale of bobcats, river otters, and badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.4. (a) A person must not possess or sell a carcass, hide, or any part of a bobcat, river otter, or badger unless the person meets one (1) of the following requirements:

(1) The person possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired. Satisfactory documentation must include one (1) or more of the following:

(A) A legible copy of any of the following:

(i) A tag.

(ii) A receipt.

(iii) A hunting license.

(iv) A trapping license.

(v) A permit.

(vi) Other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.

(B) A receipt from either of the following:

(i) A fur buyer licensed under 312 IAC 9-10-12.

(ii) A taxidermist licensed under 312 IAC 9-10-5.

(2) The person obtains the:

(A) carcass;

(B) hide; or

(C) part;

from a department employee the director or his designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of a:

(1) bobcat;

(2) river otter; or

(3) badger;

for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.

(c) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells:

(1) a carcass;

(2) a hide; or

(3) any part;

of a bobcat, river otter, or badger must provide the purchaser with the documentation described in subsection (a). A purchaser who relies in good faith upon the documentation may offer it as an

affirmative defense to an infraction or civil penalty alleging a violation of subsection (a). (*Natural Resources Commission; 312 IAC 9-3-18.4*)

312 IAC 9-3-19 Endangered and Threatened Species of Mammals

Although these three species of animals are being removed from the state's endangered species list, it does not mean that they are now game animals. They still cannot be taken from the wild in Indiana. Endangered species are defined by statute as any species or subspecies of wildlife whose prospects for survival or recruitment within the state are in jeopardy or are likely to become so within the foreseeable future. Ongoing studies by the IDNR's Wildlife Diversity Section (WDS) indicate populations of these three listed mammals have increased and/or expanded their range in the state to the point that endangered status is no longer warranted. Under the new classification, however, all three species will still be protected from take in Indiana.

Bobcats: Bobcats were listed as state-endangered since 1969. They are widely distributed in North America and were formerly found throughout Indiana. Populations probably began to decline by the mid-1800s as native habitats were cleared and converted to agriculture, settlements, and other human-related activities. Bobcats were still considered rare in Indiana through much of the 1900s, but in the last 10-15 years, populations have rebounded markedly in the state. Only 7 confirmed reports of bobcats (road-kills, accidental captures, etc.) were documented in Indiana during the first 20 years after the species was listed. Since 1990, however, there have been 84 occurrences from 32 Indiana counties. Sixty reports (71%) have occurred since 2000. Further, this total does not include more than 40 individuals that have been captured as part of ongoing ecological studies of an established population in southcentral Indiana. Bobcats appear most prevalent in the southwest and southcentral sections of Indiana with fewer reports scattered throughout the southeast, west central, northcentral, and northeast regions of the state.

River Otters: River otters were also originally listed as endangered but were later reclassified as extirpated when no definitive evidence to indicate a breeding population remained in the state. In 1994, the Department again moved the otter to endangered status in preparation for a comprehensive, statewide restoration program. From 1995 through 1999, over 300 otters were released at 12 sites in 6 priority watersheds in northern (Tippecanoe, St. Joseph, Upper Wabash) and southern (Muscatatuck, Patoka, Southcentral Ohio) Indiana. Analyses of over 1,200 post-release records indicate otters occurred in 63 of Indiana's 92 counties during the 10-year period since the restoration program began. They are now widely distributed throughout the northeast, northcentral, and southern regions of Indiana but remain most prevalent in 23 counties in the release areas. The restoration program appears successful as otters persist at all release sites, have expanded to adjacent habitats, and also colonized watersheds not initially targeted for restoration.

Badgers: Badgers were listed as endangered since the IDNR developed its' first state list in 1969. Indiana is near the eastern edge of the species' distribution in the United States, and as a result, badgers were probably never very common in the state. In the mid 1950s, badgers were reported from 33 Indiana counties, mostly in the northern half of Indiana. Recent studies by WDS staff, however, revealed badgers occupied at least 61 counties during the 1994-1996 period. Additional information obtained from literature review and other sources indicate records in 21 additional counties, increasing the total to 82 counties from which badgers have been reported. Only the unglaciated, heavily-forested region of southcentral Indiana and several southern counties bordering the Ohio River lack records for badgers. Although densities probably remain naturally low, badgers are established in suitable habitats in the northern third of the state and have also expanded into portions of southern Indiana.

312 IAC 9-4-5.5 (Mute Swans)

The Migratory Bird Treaty Reform Act, signed into law in late 2004, removed the mute swan from the list of birds protected by the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act. Mute swans were therefore removed from protection, along with many other non-native species, because they are not native to the United States or its territories and not present as a result of natural biological or ecological processes.

Indiana's laws still protect wild swans, including tundra swans and trumpeter swans. Nesting populations of mute swans have become established in portions of Indiana. Native to Eurasia, free-flying mute swans were first noted in Indiana during the 1950s, and feral pairs have been reported since the 1970s. Intentional releases and escapes from waterfowl hobbyists and landowners have contributed to the wild populations. Mute swans are hostile birds that often exclude (and sometimes kill) native waterfowl from wetlands. This fact has been documented by biologists. Mute swans can be hostile toward humans, sometimes causing injury, especially during the nesting season. Ecologically, mute swans damage wetland habitats by overgrazing aquatic vegetation, leaving inadequate food and habitat for native wetland inhabitants. Adult mute swans can eat up to eight (8) pounds of submerged vegetation per day.

Earlier this year, Director Hupfer authorized an emergency rule to allow homeowners and licensed nuisance wild animal control operators to kill nuisance mute swans that are causing, or threatening to cause damage to property, or that are posing a health or safety threat to persons or domestic animals, under a nuisance wild animal control permit while using legal means. The DNR believes that an exotic bird such as the mute swan that is destructive to native habitat and food sources needed by native species of waterfowl, should be allowed to be taken at any time without restrictions. Local ordinances regulating the use of firearms would still be in effect. Because the U.S. Fish and Wildlife Service is no longer protecting mute swans, the DNR has already begun reducing the populations of mute swans on their properties using legal means. Mute swans are causing widespread habitat damage in other states, especially the east coast, and the DNR is trying to prevent additional habitat damage in Indiana.

The DNR believes that this rule proposal will help to reduce the number of mute swans present in the wild by not allowing their sale and by not continuing to allow additional individuals to possess and breed mute swans. Although under this rule proposal mute swans would have to be pinioned and kept in captivity, allowing the sale of mute swans would only allow more individuals to buy them and release them. Enforcement of a law that allows mute swans to be sold as long as they are pinioned would be difficult. There also is the possibility of future escapes before a mute swan is pinioned.

312 IAC 9-4-11 (Wild Turkeys)

The DNR is not proposing any changes to the spring or fall turkey hunting seasons or bag limits at this time. The harvest information from the first fall turkey hunting season in 2005 is currently being evaluated. Comments regarding changing season dates and bag limits for wild turkeys have been forwarded to the Division of Fish and Wildlife's Turkey Biologist.

312 IAC 9-5-11 (Turtle Possession Permit)

The DNR does not require individuals who possess eastern box turtles under the authority of the special purpose turtle possession permit to keep their turtles when they die. The permit holder should simply contact the Operations Staff Specialist within the Division of Fish and Wildlife in Indianapolis; the contact information is on the permit and can be done via phone, e-mail or written letter. By contacting the Operations Staff Specialist, it can be noted on the database and in the file that the turtle died and that the permit does not need to be renewed.

312 IAC 9-10-5 (Taxidermist licenses)

All licensed taxidermists were inspected by DNR conservation officers earlier this year. Taxidermists are not required by law to be inspected each year by a conservation officer as part of the renewal of their license. As a result, many taxidermists were reminded of maintaining compliance with state laws governing taxidermy licenses, including the legal possession of hides, carcasses, and feathers.

Most, if not all, of the animals a taxidermist possessed are protected by state and/or federal law. The DNR has promulgated rules for commercial licenses that allow the possession and sale of wild animals and their parts, but also provide for the protection of the wild animal populations. It is important that the laws be clear and enforceable.

First of all, the administrative issues surrounding addresses on our database and mailing list have been resolved. Some taxidermists work out of their home while others work at a separate place of business, and it is indicated as such on their license. However, we will be sure to include only business addresses in the future for all mailings to licensed taxidermists.

Licenses and permits issued by the DNR can already be suspended, denied or revoked per state statute (IC 14-22-11-15). If a license is suspended, denied, or revoked, the individual is given the opportunity to appeal within 18 days of the notice in accordance with IC 4-21.5 and 312 IAC 3-1. Furthermore, state statute in IC 14-22-21 requires a taxidermy license for a person who receives wild animals or parts of wild animals for the purpose of performing taxidermy service for any other person. The addition of the language in this administrative rule clarifies to all taxidermy license holders the fact that they must comply with the applicable laws or their license can be suspended, denied, or revoked. License for other professions, such as those in the medical field, are contingent upon compliance with laws relevant to their profession.

The tagging of wild animals that are delivered to a taxidermist and the record-keeping requirements are needed to allow law enforcement officers to be able to determine the legal acquisition, ownership and possession of wild animals that are protected by law. A copy of the records should be on-site at the time an officer requests them for work during that calendar year, or they must be able to give a copy to a conservation officer within a reasonable amount of time (48 hours). If the records are not on-site at the time of the request, the taxidermist must also be able to tell the officer exactly where the records are located at the time of the request. If records are given to an accountant or bookkeeper off-site, a copy should be retained at the site where the taxidermy work is performed. If records are requested from previous calendar years, the records must be on-site at all times (312 IAC 9-10-5c). The purpose of this rule change is to clarify that conservation officers have the authority to obtain a copy of the taxidermy records for department actions. When an inspection is conducted, the officer must also be able to identify to whom the part belongs. As stated in 312 IAC 9-10-5(e), the tag can be removed during active taxidermy operations, allowing a hide to be marked only with a hole punch while it is being processed (skinned, washed, etc.). If the carcass or other part is delivered to a taxidermist without a tag, the taxidermist must tag it with all of the required information. One reason for this change in wording for the tag is to ensure that the part is tagged, regardless of who does the tagging. The addition of the location obtained on the tag is also needed for law enforcement purposes.

Conservation officers have the authority to inspect the records, tags, log books, storage areas, work areas and other documentation required under this law pursuant to 312 IAC 9-10-5(h). If a taxidermist performs the taxidermy service in their home, an inspection can be done at their home.

Violations of the statute and administrative rule governing taxidermy licenses would be a Class C Misdemeanor, with a fine of up to \$500 and possible jail time of no more than 60 days, pursuant to state statute in IC 14-22-38-1, with the exception of wild turkeys and deer. A person who sells, offers to sell, purchases or offers to purchase a deer or wild turkey or a part of a deer or wild turkey illegally may be required to reimburse the state \$500 for the first violation and \$1,000 for each subsequent violation, in addition to the criminal penalties listed previously (IC 14-22-38-4), upon conviction.

Under administrative rule in 312 IAC 9-2-3, tanned hides, furs, squirrel tails, antlers, hooves, and cured feathers of wild animals taken legally may be sold. Fur buyers are required to abide by laws governing the purchase and possession of raw furs under state law in IC 14-22-19 and 312 IAC 9-10-12. An annual report is required from licensed fur buyers and new requirements proposed in this rule package for fur buyer's licenses in 312 IAC 9-10-12 require the issuance of a valid, dated receipt for all wild animals sold, traded, bartered or gifted. Untanned hides cannot be legally possessed outside the trapping season without a fur buyer's license.

All taxidermists are provided with a copy of the laws governing taxidermy licenses when they are issued their license, and a copy is also mailed out to individuals who want to become a licensed taxidermist. It is the responsibility of the license holder to comply with those laws.

312 IAC 9-10-5 Taxidermist licenses

Authority: IC 14-22-2-6; IC 14-22-21

Affected: IC 4-21.5; IC 14-22

Sec. 5. (a) A license is required under this section for an individual who performs taxidermy services on a wild animal for another person.

(b) An application for a taxidermist license shall be completed on a departmental form.

(c) A license holder must maintain accurate records, on a calendar year basis, showing the names and addresses of persons from or to whom wild animals were received or delivered. The records shall:

(1) include the:

(A) species and numbers of wild animals; and ~~the~~

(B) dates of receipt and delivery; ~~The records shall and~~

(2) be retained at the premises of the license holder for at least two (2) years after the end of the license year.

A copy of the records must be provided to a conservation officer upon request.

(d) ~~A person who delivers~~ **The carcass or any part or portion of a wild animal that is delivered to a taxidermist must tag the carcass be tagged** with the following information:

(1) The name and address of the person making delivery to the taxidermist.

(2) The species of animal.

(3) The:

(A) date and manner; ~~the animal was obtained. and~~

(B) **location, including the county and state or country (if taken outside the United States), where;**

the animal was obtained.

(e) A taxidermist shall not remove from the carcass, except during active taxidermy operations, the tag described in subsection (d).

(f) A taxidermist may sell a lawfully acquired and mounted specimen of wild animal, where ~~the:~~

(1) ~~the~~ tag is affixed; and

(2) ~~the~~ sale is immediately recorded in a log book.

(g) A taxidermist shall not possess a wild animal taken outside the season except under a permit obtained from the department under this subsection. A permit for a special taxidermy mount of a protected species may be granted under this subsection only to an agency or institution ~~which that~~ engages in wildlife education or research as a primary function.

(h) Any:

(1) record, tag, log book, or other documentation required under this section; and ~~any~~

(2) storage or work area;

of a taxidermist shall be made available upon request for inspection by a conservation officer.

(i) A federal taxidermy permit is required to perform taxidermy work on ~~any migratory birds. bird~~ **except a mute swan.**

(j) **A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:**

(1) **A provision of a license issued under this section.**

(2) **IC 14-22-21.**

Additional Comments - Squirrel Season

This administrative rule package does not include any proposals to change the season dates or restrictions for hunting squirrels. The DNR is evaluating the squirrel season dates in Indiana and is making plans to propose a rule change to the season dates later in 2006.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #05-214(F)

DIGEST

Amends 312 IAC 9 concerning taking, chasing, and possessing wild animals; fishing, hunting, and trapping without a license by owners and lessees of farmland; tagging requirements for deer hunting; hunting deer by firearms; coyotes; bobcats; river otters; badgers; endangered species of mammals; migratory birds and waterfowl; mute swans; tagging requirements for wild turkey hunting; turtle possession permits; taxidermist licenses; nuisance wild animal control permits; fur buyers' licenses; and confining, enclosing, and housing bobcats under a wild animal possession permit. Effective 30 days after filing with the Secretary of State.

312 IAC 9-2-1; 312 IAC 9-2-14; 312 IAC 9-3-2; 312 IAC 9-3-3; 312 IAC 9-3-12; 312 IAC 9-3-18.1; 312 IAC 9-3-18.2; 312 IAC 9-3-18.3; 312 IAC 9-3-18.4; 312 IAC 9-3-19; 312 IAC 9-4-2; 312 IAC 9-4-11; 312 IAC 9-5-11; 312 IAC 9-10-5; 312 IAC 9-10-11; 312 IAC 9-10-12; 312 IAC 9-11-13

SECTION 1. 312 IAC 9-2-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-1 Taking, chasing, and possessing wild animals

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 1. ~~(a) It is unlawful to~~ **A person must not:**

- (1) take;**
 - (2) chase; or**
 - (3) possess;**
- a wild animal except as provided by statute or by this article.

~~(b) Notwithstanding subsection (a), this article does not apply to groundhogs.~~

(Natural Resources Commission; 312 IAC 9-2-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 2. 312 IAC 9-2-14 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-2-14 Fishing, hunting, and trapping without a license by owners and lessees of farmland

Authority: IC 14-22-6-1; IC 14-22-11-1

Affected: IC 14-22

Sec. 1. **(a) An owner or a lessee of farmland, and immediate family members of the owner or lessee, if exempted under IC 14-22-11-1, may:**

- (1) fish;**
- (2) hunt; or**

(3) trap;
on the farmland without obtaining a license under this article.

(b) As used in this section, "owner" means either:
(1) an individual listed on the tax assessment roll and whose name appears on the title to the property;
(2) a business entity whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family.

(c) As used in this section, "lessee" means either:
(1) an individual to whom a lease is made for the farmland and who farms that land;
(2) a business entity to which a lease is made for the farmland and whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family who farm that land.

(d) As used in this section, "business entity" means:
(1) a corporation;
(2) a limited liability company;
(3) a partnership; or
(4) any legal entity organized for a profitable or charitable purpose.
(Natural Resources Commission; 312 IAC 9-2-14; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 3. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:
(1) hunting;
(2) transportation; and
(3) disposal;
of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.**
- (2) Sections 3 through 9 of this rule.**

A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

- (e) The use or aid of:
- (1) a food product that is transported and placed for consumption;
 - (2) salt;
 - (3) mineral blocks;
 - (4) prepared solid or liquid intended for ingestion (herein called bait);
 - (5) snares;
 - (6) dogs; or
 - (7) other domesticated animals;
- to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

~~(f) The hunting of white tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.~~

- ~~(g)~~ (f) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:
- (1) deer unless the person possesses a completed and signed license bearing the person's name; or
 - (2) with a deer license issued to another person.

- ~~(h)~~ (g) A piece of paper must, immediately upon taking a deer, state the following:
- (1) The name and address of the person.
 - (2) The license number (if applicable).
 - (3) The sex of the deer.
 - (4) The month and day the deer was taken.

A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

- ~~(i)~~ (h) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:
- (1) Within forty-eight (48) hours of the taking of the deer.
 - (2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

- ~~(j)~~ (i) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection ~~(h)~~, (g), the operator shall give the seal to the person. The person must immediately affix the seal:
- (1) between a tendon and bone;
 - (2) through a section of skin or flesh; or
 - (3) around a branched antler;
- to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

- ~~(k)~~ (j) The checking station operator must do the following:
- (1) Accurately and legibly complete all forms provided by the department.
 - (2) Make those forms available to department personnel upon request.

~~(h)~~ **(k)** A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:

- (1) state-owned or state-leased lands;
- (2) U.S. Forest Service lands;
- (3) the Muscatatuck National Wildlife Refuge; or
- (4) the Big Oaks National Wildlife Refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half ($\frac{1}{2}$) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(m)~~ **(l)** The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(n)~~ **(m)** The use of infrared sensors to locate or take deer is prohibited. ~~A person must not~~ **It is unlawful to** hunt or retrieve deer with the aid of an infrared detector.

~~(o)~~ **(n)** Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(p)~~ **(o)** Notwithstanding subsection (e):

- (1) donkeys;
- (2) mules; and
- (3) horses;

may be used for transportation to and from a hunt but may not be used while hunting.

~~(q)~~ **(p)** The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.

(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 4. 312 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer by firearms under IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15), or IC 14-22-12-1(16); or
- (2) hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:

- (1) The firearms season using:
 - (A)** shotgun;
 - (B)** shotgun with rifled barrel;

(C) handgun;

(D) muzzle loading gun; or

(E) muzzle loading handgun;

is from the first Saturday after November 11 and ~~continuing~~ **continues** for an additional fifteen (15) days.

(2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzle loading gun or muzzle loading handgun only:

(1) extends from the first Saturday after the firearms season established under subsection (b); and

(2) continues for fifteen (15) additional days.

The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not **do the following:**

(1) Hunt deer unless that person wears hunter orange.

~~(f) A person must not~~ (2) Possess bow and arrows while hunting under this section.

~~(g)~~ (f) The following requirements apply to the use of firearms under this section:

(1) A shotgun:

(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; ~~A shotgun and~~ (B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A handgun must:

(A) conform to the requirements of IC 35-47-2;

(B) have a barrel at least four (4) inches long; and

(C) fire a bullet of **two hundred forty-three thousandths** (.243) inch diameter or larger.

All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least **three hundred fifty-seven thousandths** (.357) inch or larger. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading ~~firearm~~ gun must be **capable of being loaded only** from the muzzle, **including both powder and bullet**. A muzzle loading ~~firearm~~ gun may be possessed in the field outside lawful shooting hours only if:

(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or

(B) for flintlock firearms, the pan is not primed.

(4) Over-and-under combination rifle-shotguns are prohibited.

(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 5. 312 IAC 9-3-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-12 Foxes, coyotes, and skunks

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) The season for hunting:

(1) red foxes; and

(2) gray foxes;

is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping:

(1) red foxes;

(2) gray foxes; and

(3) skunks;

is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), the season for:

(1) hunting ~~and trapping~~ coyotes is from noon on October 15 until noon on March 15 of the following year; **and**

(2) **trapping coyotes is from 8 a.m. on October 15 until noon on March 15 of the following year.**

A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time.

(e) A person must not possess **the following:**

(1) A red fox or gray fox except from October 15 until March 20 of the following year.

~~(f) A person must not possess~~ (2) A skunk except from October 15 until February 20 of the following year.

(Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 6. 312 IAC 9-3-18.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.1 Bobcats

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.1. A person must not take or possess a bobcat (*Felis rufus*) except as otherwise provided by this article.

(Natural Resources Commission; 312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 7. 312 IAC 9-3-18.2 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.2 River otters

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.2. A person must not take or possess a river otter (*Lutra canadensis*) except as otherwise provided by this article.

(Natural Resources Commission; 312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 8. 312 IAC 9-3-18.3 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.3 Badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.3. A person must not take or possess a badger (*Taxidea taxus*) except as otherwise provided by this article.

(Natural Resources Commission; 312 IAC 9-3-18.3; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 9. 312 IAC 9-3-18.4 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.4 Possession and sale of bobcats, river otters, and badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.4. (a) A person must not possess or sell a carcass, hide, or any part of a bobcat, river otter, or badger unless the person meets one (1) of the following requirements:

(1) The person possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired. Satisfactory documentation must include one (1) or more of the following:

(A) A legible copy of any of the following:

(i) A tag.

(ii) A receipt.

(iii) A hunting license.

(iv) A trapping license.

(v) A permit.

(vi) Other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.

(B) A receipt from either of the following:

(i) A fur buyer licensed under 312 IAC 9-10-12.

(ii) A taxidermist licensed under 312 IAC 9-10-5.

(2) The person obtains the:

(A) carcass;

(B) hide; or
(C) part;
from the director or his designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of a:

- (1) bobcat;**
- (2) river otter; or**
- (3) badger;**

for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.

(c) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells:

- (1) a carcass;**
- (2) a hide; or**
- (3) any part;**

of a bobcat, river otter, or badger must provide the purchaser with the documentation described in subsection (a). A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of subsection (a).

(Natural Resources Commission; 312 IAC 9-3-18.4; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 10. 312 IAC 9-3-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-19 Endangered species of mammals

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-2; IC 14-22-34-12

Sec. 19. The following species of mammals are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:

- ~~(1) Bobcat (*Felis rufus*).~~
- ~~(2)~~ **(1)** Indiana bat (*Myotis sodalis*).
- ~~(3)~~ **(2)** Gray bat (*Myotis grisescens*).
- ~~(4)~~ **(3)** Southeastern bat (*Myotis austroriparius*).
- ~~(5)~~ **(4)** Evening bat (*Nycticeius humeralis*).
- ~~(6) Badger (*Taxidea taxus*).~~
- ~~(7)~~ **(5)** Eastern wood rat (*Neotoma floridana*).
- ~~(8)~~ **(6)** Swamp rabbit (*Sylvilagus aquaticus*).
- ~~(9)~~ **(7)** Franklin's ground squirrel (*Spermophilus franklinii*).
- ~~(10) River otter (*Lutra canadensis*).~~

(Natural Resources Commission; 312 IAC 9-3-19; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 11. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 Migratory birds and waterfowl

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) The restrictions in this section supplement state statutes and federal laws ~~which that~~ protect migratory birds and waterfowl.

(b) A person must not hunt migratory birds and waterfowl, **except for mute swans (*Cygnus olor*)**, unless the person:

(1) is registered with; ~~the Harvest Information Program and~~

(2) possesses an identification number issued through;

the Harvest Information Program. ~~Exempted from this subsection is a person who is hunting on property where the person is either of the following:~~

~~(1) A landowner.~~

~~(2) A lessee.~~

~~(3) A resident of Indiana on leave from one of the armed services of the United States.~~

(c) A person must not take or possess a Virginia rail.

(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 12. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:

(1) is from the first Wednesday after April 20; and ~~continuing~~

(2) **continues** for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:

(1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and

(2) continues for an additional four (4) consecutive days;
except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on:

(1) Camp Atterbury; and

(2) the Big Oaks National Wildlife Refuge;

shall be determined by the director on an annual basis.

(d) The limit for taking and possessing is one (1):

(1) bearded or male wild turkey during the spring season; and

(2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(f) A person must not take a wild turkey except with the use of one (1) of the following:

(1) A shotgun ~~not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of size 4, 5, 6, 7, or 7½.~~

~~(2) A~~ or muzzle loading shotgun:

(A) not smaller than 20 gauge; and

(B) not larger than 10 gauge;

loaded only with shot of **size** 4, 5, 6, 7, or 7½.

~~(3) (2)~~ A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:

(A) A person must not use a:

(i) long bow; or

(ii) compound bow;

of less than thirty-five (35) pounds pull.

(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(C) A person must not use a:

(i) crossbow of less than one hundred twenty-five (125) pounds pull;

(ii) crossbow unless it has a mechanical safety; or

(iii) poisoned or explosive arrow.

(D) No portion of a bow's riser (handle) or:

(i) track;

(ii) trough;

(iii) channel;

(iv) arrow rest; or

(v) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(E) Before or after lawful shooting hours, a person must not possess a:

(i) long bow;

(ii) compound bow; or

(iii) crossbow;

in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates on an annual basis by emergency rule or in the spring season in the following counties:

(1) Adams, south of State Road 124.

(2) Blackford.

(3) Delaware.

(4) Grant, east of Interstate 69.

(5) Hancock, east of State Road 9.

(6) Henry.

(7) Huntington:

(A) south of State Road 124; and

(B) east of Interstate 69.

(8) Jasper:

(A) south of State Highway 114; and

(B) west of Interstate 65.

(9) Jay.

- (10) Newton, south of State Highway 114.
- (11) Randolph, north of State Road 32.
- (12) Rush, north of State Road 44.
- (13) Shelby:
 - (A) east of State Road 9; and
 - (B) north of State Road 44.
- (14) Wells, south of State Road 124.
- (15) Whitley, south of U.S. 30.

(h) The use of:

- (1) a dog;
- (2) another domesticated animal;
- (3) a live decoy;
- (4) a recorded call;
- (5) an electronically powered or controlled decoy; or
- (6) bait;

to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from ~~either of the following:~~

- ~~(1) normal agricultural practices.~~
- ~~(2) The use of a:~~
 - ~~(A) manufactured scent;~~
 - ~~(B) lure; or~~
 - ~~(C) chemical attractant.~~

(i) A person must not possess a handgun while hunting wild turkeys.

(j) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:

- (1) wild turkeys unless possessing a completed and signed license bearing the person's name; ~~The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt or~~
- (2) with a wild turkey license ~~or tag~~ issued to another person.

(k) ~~The temporary transportation tag described in subsection (j)~~ **A piece of paper** must, immediately after taking a wild turkey:

- (1) ~~be notched as to the month and day of the taking and~~ attached to a leg of the turkey directly above the spur; ~~A tag is void if notched more than twice. and~~
 - (2) **state the:** ~~temporary transportation tag must be attached to a leg~~
 - (A) **name and address of the person;**
 - (B) **license number (if applicable);**
 - (C) **date; and**
 - (D) **sex;**
- of the ~~wild turkey directly above the spur.~~ **taken.**

(l) A person who takes a turkey must do the following:

- (1) Cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator:
 - (A) records the permanent seal number on the log; **and**
 - (B) **collects the piece of paper described in subsection (k);**
 the person is provided with that seal. ~~The person must~~
- (2) Immediately and firmly affix the seal to the leg of the turkey **as follows:**

(A) Directly above the ~~temporary transportation tag~~ piece of paper described in subsection (k) for a turkey taken during the spring season.

(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.

The **permanent** seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

~~(l) Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:~~

~~(1) A lifetime license holder.~~

~~(2) A youth license holder.~~

~~(3) For a wild turkey taken on a landowner's land, each of the following:~~

~~(A) The resident landowner.~~

~~(B) The spouse of the resident landowner.~~

~~(C) A child of the resident landowner who is living with the landowner.~~

~~(4) For a wild turkey taken on land leased from another person, each of the following:~~

~~(A) The resident lessee who farms the land.~~

~~(B) The spouse of the resident lessee.~~

~~(C) A child of the resident lessee who is living with the lessee.~~

~~(5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.~~

(m) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 13. 312 IAC 9-5-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-11 Turtle possession permit

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 4-21.5; IC 14-22

Sec. 11. (a) **Except as provided in subsection (b), this section establishes the requirements for a special purpose that a person must satisfy to possess a turtle possession permit that is listed in section 7(c) of this rule.**

~~(b) Only an Indiana resident can qualify for a permit under this section. An application must be made on a departmental form.~~ Exempted from this section is any:

~~(1) species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule; and any~~

~~(2) endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.~~

(c) The department shall not issue a permit under this section to possess a turtle that is listed as endangered under section 4 of this rule.

(d) A person must be an Indiana resident to receive a permit under this section.

~~(e)~~ **(e)** A person must submit, on a departmental form, an application ~~must be made for a permit under this section~~ within ten (10) days after taking possession of a native turtle. ~~that was not taken from the wild or for The possession of an eastern box turtle that was~~ **application must show the person** lawfully acquired by **obtained** the person before January 1, 2005. A person does not violate section 6 of this rule if the person obtains a permit under this section for an eastern box turtle. ~~An application must show the~~ **For a turtle that** was lawfully acquired: **obtained:**

(1) a receipted invoice;

(2) a bill of lading; or

(3) other evidence approved by the director;

must accompany the application. ~~To permit a turtle from outside Indiana, the turtle must have been taken lawfully and must be accompanied by~~ A certificate of veterinary inspection from the state of origin **must accompany an application for a turtle obtained outside Indiana.**

~~(d)~~ **(f)** If supported by appropriate documentation, an unlimited number of native turtles that were legally obtained but not taken from the wild may be possessed under this permit.

~~(e)~~ **(g)** A conservation officer shall inspect each cage or enclosure before a permit can be issued. A turtle must be:

(1) quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles; ~~A turtle must be and~~

(2) confined in a cage or other enclosure that:

(A) makes escape of the animal unlikely; and

(B) prevents the entrance of free-roaming turtles.

The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.

~~(f)~~ **(h)** A turtle possessed under this section:

(1) must not be:

(A) bred;

(B) sold;

(C) traded;

(D) bartered; or

(E) released into the wild; ~~A turtle possessed under this section and~~

(2) may be given only to an individual who possesses a permit under this section.

~~(g)~~ **(i)** A native turtle with a straight-line carapace length of four (4) inches or greater ~~held under this permit~~ must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin. Only pit tags that can be read by an AVID Reader may be implanted. **The director may, however, approve a temporary identification method for use on a sick or injured turtle.**

~~(h)~~ **(j)** A permit holder must not commercially advertise adoption services.

~~(k)~~ **(k)** A turtle possessed under this section **permit holder** must not be publicly displayed ~~except under an~~ **place a turtle on public display unless the person also possesses an** educational permit issued under 312 IAC 9-10-9.5.

~~(i)~~ **(l)** A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:

(1) The:

(A) taxa;

(B) number;

(C) carapace length; and

(D) weight;

of each turtle obtained.

(2) The:

(A) complete name;

(B) address; and

(C) telephone number;

of the person from whom a turtle was obtained.

(3) The date obtained.

(4) The unique passive integrated transponder code of each implanted turtle.

~~(j)~~ **(m)** A conservation officer:

(1) may enter the premises of the permit holder at all reasonable hours to inspect:

(A) those premises; and

(B) any records relative to the permit; ~~The conservation officer~~

(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; ~~A conservation officer and~~

(3) may make a second inspection after ten (10) days ~~and the to determine if any permit may be suspended or revoked under IC 4-21.5, and the turtles may be confiscated, if deficiency has been corrected that was reported to the permit holder. fails to comply with the permit.~~

~~(k)~~ **(n)** A permit expires on ~~December 31~~ **June 30** of the year the permit was issued.

(o) The permit holder must provide an annual report to the division by ~~February~~ **July** 15 of each year with the following information: ~~for each turtle possessed under this permit:~~

(1) The taxa and number of each native turtle. ~~obtained.~~

(2) The:

(A) complete name;

(B) address; and

(C) telephone number;

of the person from whom a turtle was obtained.

(3) The date **the turtle was** obtained.

(4) The unique passive integrated transponder code of each implanted turtle **or another type of unique identification.**

~~(h)~~ **(p)** A permit may be suspended, denied, or revoked **and any turtle confiscated**, under IC 4-21.5, if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article.

(3) Another applicable state, local, or federal law.

(Natural Resources Commission; 312 IAC 9-5-11; filed Sep 23, 2004, 3:00 p.m.: 28 IR 546; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 14. 312 IAC 9-10-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-5 Taxidermist licenses

Authority: IC 14-22-2-6; IC 14-22-21

Affected: IC 4-21.5; IC 14-22

Sec. 5. (a) A license is required under this section for an individual who performs taxidermy services on a wild animal for another person.

(b) An application for a taxidermist license shall be completed on a departmental form.

(c) A license holder must maintain accurate records, on a calendar year basis, showing the names and addresses of persons from or to whom wild animals were received or delivered. The records shall:

(1) include the:

(A) species and numbers of wild animals; and ~~the~~

(B) dates of receipt and delivery; ~~The records shall and~~

(2) be retained at the premises of the license holder for at least two (2) years after the end of the license year.

A copy of the records must be provided to a conservation officer upon request.

(d) ~~A person who delivers~~ **The carcass or any part or portion of** a wild animal **that is delivered** to a taxidermist must ~~tag the carcass~~ **be tagged** with the following information:

(1) The name and address of the person making delivery to the taxidermist.

(2) The species of animal.

(3) The:

(A) date and manner; ~~the animal was obtained; and~~

(B) **location, including the county and state or country (if taken outside the United States), where;**

the animal was obtained.

(e) A taxidermist shall not remove from the carcass, except during active taxidermy operations, the tag described in subsection (d).

(f) A taxidermist may sell a lawfully acquired and mounted specimen of wild animal, where **the:**

(1) ~~the~~ tag is affixed; and

(2) ~~the~~ sale is immediately recorded in a log book.

(g) A taxidermist shall not possess a wild animal taken outside the season except under a permit obtained from the department under this subsection. A permit for a special taxidermy mount of a protected species may be granted under this subsection only to an agency or institution ~~which~~ **that** engages in wildlife education or research as a primary function.

(h) Any:

(1) record, tag, log book, or other documentation required under this section; and ~~any~~

(2) storage or work area;

of a taxidermist shall be made available upon request for inspection by a conservation officer.

(i) A federal taxidermy permit is required to perform taxidermy work on ~~any migratory birds.~~ **bird except a mute swan.**

(j) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

(1) A provision of a license issued under this section.

(2) IC 14-22-21.

(Natural Resources Commission; 312 IAC 9-10-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 15. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-22-2-6; IC 14-22-28

Affected: IC 14-22; IC 35-46-3-12

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or**
- (2) posing a health or safety threat to persons or domestic animals.**

The method of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours; and ~~shall not be~~**
- (2) sold;**
- (3) traded;**
- (4) bartered; or**
- (5) gifted.**

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

- (1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.**
- (2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:**
 - (A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or**
 - (B) complete thirty-two (32) hours of continuing education as approved by the division.**
- (3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.**

(e) A person who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(f) A captive animal must be handled in an expeditious and humane manner in compliance with IC 35-46-3-12.

(g) Permittees may use the following:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except for the following:

(A) A foothold trap:

(i) possessing saw-toothed or spiked jaws; **or**

~~(B) A foothold trap~~ (ii) sized #3 or larger without offset jaws unless the trap is completely covered with water.

~~(C) (B)~~ A Conibear, Dahlgren, Bigelow, or other killer trap that is:

(i) eight (8) inches or larger in diameter; **or is**

(ii) larger than eight (8) inches by eight (8) inches unless the trap is completely covered by water.

(3) Snares with a circumference no greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; **or**

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(h) All traps must be checked at least once every twenty-four (24) hours.

(i) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture;

(B) euthanized; **or**

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; **and**

(C) most painless;

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

(A) landowner; **or the**

(B) landowner's agent;

before an animal is released on any property.

(j) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:

(1) The name and address of the landowner assisted.

(2) The date assistance was provided.

(3) The number and species of animals affected.

(4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(k) A permittee must file an application by January 15 of each year in order to renew a permit. The annual report required under subsection (l) must accompany the renewal application.

(l) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:

- (1) The:
 - ~~(A) number; of animals taken. and~~
 - ~~(2) The (B) species;~~
 - of animals taken.
 - ~~(3) (2) The county where the animal was captured.~~
 - ~~(4) (3) The method of disposition.~~
 - ~~(5) (4) The county where released (if applicable).~~

(m) A permit issued under this section may be suspended or revoked if the permittee **does the following:**

(1) Fails to comply with **any of the following:**

~~(A) IC 14-22. or~~

~~(B) This article.~~

~~(2) Fails to comply with (C) A term of the permit.~~

~~(3) (2) Provides false information to obtain a permit under this section.~~

~~(4) (3) Uses or employs any:~~

~~(A) deception;~~

~~(B) false pretense; or~~

~~(C) false promise;~~

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(n) No permit shall be issued under this section:

(1) for the control of a migratory bird **except a mute swan;**

(2) for a wild animal that is identified under this article as:

~~(A) an endangered; species or~~

~~(B) a threatened;~~

species; or

(3) if granting the permit would violate a federal law.

(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 16. 312 IAC 9-10-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-12 Fur buyers' licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19

Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who is issued a fur buyer's license under IC 14-22-19-3.

(b) **Except as otherwise provided in this subsection,** a licensed fur buyer may possess the carcasses and untanned hides:

(1) of furbearing mammals which that are lawfully taken in season for not more than sixty (60) days after the last day of that season; and

(2) for bobcats, river otters, and badgers, for not more than sixty (60) days from receipt of the carcass or untanned hide.

(c) **A licensed fur buyer must do the following:**

(1) Not possess the carcass or untanned hide or any part of a bobcat, river otter, or badger unless the carcass, untanned hide, or part was lawfully acquired outside Indiana.

(2) Document lawful acquisition by providing from the seller a legible copy of any:

(A) tag;

(B) receipt;

(C) hunting license;

(D) trapping license;

(E) permit; or

(F) other appropriate record;

from the state or country where the animal, including any part or portion of the animal, was acquired.

(d) Notwithstanding subsection (b), a licensed fur buyer may, as authorized by the division director, possess a carcass or untanned hide in excess of sixty (60) days after the:

(1) close of a season; or

(2) receipt of a carcass or untanned hide of a bobcat, river otter, or badger;

upon the submission of a report identifying the species, number, and location that furs or carcasses are kept.

(e) A licensed fur buyer must issue a valid, dated receipt for any wild animal that is sold, traded, bartered, or gifted. The receipt must include the following information:

(1) The fur buyer's license number.

(2) The buyer's and the seller's names and addresses.

(3) The:

(A) number; and

(B) species;

of animals sold.

(Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 17. 312 IAC 9-11-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-13 Confining, enclosing, and housing for particular wild animals

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 13. (a) This section sets standards for:

(1) confining;

(2) enclosing; and

(3) housing;

particular kinds of wild animals ~~which~~ **that** must be satisfied by a person licensed under this rule.

(b) Rabbits must be provided with the following:

(1) Bone, wood, or fibrous food to gnaw.

(2) The:

(A) walls;

(B) roof; and

(C) floor;
of the cage shall be constructed with mesh having openings not more than one and one-half (1½) inches.

(c) Squirrels must be provided with the following:

- (1) Climbing perches.
- (2) Nest boxes with:
 - (A) wood shavings; or
 - (B) another approved material.
- (3) ~~For fox squirrels and gray squirrels,~~ The walls, roof, and floor of the cage shall be constructed with mesh having openings not more than **as follows:**
 - (A) **For fox squirrels and gray squirrels,** one (1) inch.
- (4) ~~(B) For flying squirrels: the walls, roof, and floor of the cage shall be constructed with mesh having openings not more than~~
 - (i) three-fourths (¾) of an inch; or
 - (ii) one (1) inch by one-half (½) inch;maximum mesh.

(d) Beavers must be provided with the following:

- (1) Nest boxes or other sheltered retreats.
- (2) Gnawing logs.
- (3) A pool of fresh water with easy access. ~~Half~~ **One-half (½)** of the required floor space shall be a pool of water at least two and one-half (2½) feet deep.
- (4) The walls, roof, and floor of the cage shall be constructed of at least:
 - (A) eleven and one-half (11½) gauge chain link; or
 - (B) the equivalent.A six (6) inch overhang or the equivalent containment may be substituted for a full roof.

(e) Coyotes must be provided with the following:

- (1) A sheltered retreat and either:
 - (A) a den; or
 - (B) an elevated wood platform.
- (2) A cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:
 - (A) nonrusting, galvanized welded steel; or
 - (B) an equivalent material.
- (3) The:
 - (A) walls;
 - (B) roof; and
 - (C) floor;of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(f) Foxes must be provided with the following:

- (1) A sheltered retreat and either:
 - (A) a den; or
 - (B) an elevated wood platform.
- (2) Limbs.
- (3) The cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:

- (A) nonrusting, galvanized welded steel; or
- (B) an equivalent material.

(4) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(g) Minks must be provided with the following:

(1) A nest box or sheltered retreat with bedding.

(2) Limbs.

(3) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh not larger than one (1) inch.

(h) Muskrats must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Gnawing logs.

(3) A pool of fresh water with easy access. ~~Half~~ **One-half** ($\frac{1}{2}$) of the required floor space shall be a pool of water at least two and one-half ($2\frac{1}{2}$) feet deep.

(4) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh ~~which~~ **that** is not larger than one and one-half ($1\frac{1}{2}$) inches.

(i) Opossums must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(j) Raccoons must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) A:

(A) wading pool; or

(B) water container;

appropriate to the size of the animal.

(4) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(k) Skunks must be provided with the following:

(1) A nest box or sheltered retreat.

(2) The:

(A) walls;

(B) roof; and

(C) floor;

of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(l) Weasels must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) ~~For long-tailed weasels,~~ The walls, roof, and floor of the cage shall be constructed from mesh ~~which~~ **that** is not larger than **as follows:**

(A) For long-tailed weasels, one (1) inch.

~~(4) (B) For least weasels, the walls, roof, and floor of the cage shall be constructed from mesh which is not larger than one-half (½) inch.~~

(m) Wolves must be provided with the following:

(1) A sheltered retreat and either:

(A) a den; or

(B) an elevated wood platform.

(2) The walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:

(A) a two and one-half (2½) inch maximum mesh; or

(B) the equivalent.

(3) A three (3) foot incline at the top of an eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(n) Bears must be provided with the following:

(1) For sun bears, Asiatic bears, sloth bears, and spectacled bears, the following:

(A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:

(i) have a floor space of at least four (4) feet by four (4) feet; and ~~shall~~

(ii) be at least four (4) feet high.

(B) A suitable scratching post.

(C) An indestructible pool or tub. The pool or tub shall:

(i) contain at least twelve and one-half (12½) feet of surface area; and

(ii) be at least two (2) feet deep.

(D) The:

(i) walls;

(ii) roof; and

(iii) floor;

of the cage shall be constructed of not less than nine (9) gauge steel chain link.

(E) For:

(i) sun bears;

(ii) sloth bears; and

(iii) spectacled bears;

an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five **(45)** degrees Fahrenheit. ~~(45°F).~~

(2) For American black bears, European brown bears, and Russian brown bears, the following:

(A) A den with shavings, straw, or a wooden platform or floor for reclining. The den shall:

(i) have a floor space of at least four (4) feet by six (6) feet; and ~~shall~~
(ii) be at least four (4) feet high.

(B) A suitable scratching post.

(C) An indestructible pool or tub. The pool or tub shall:

(i) contain at least twenty-eight (28) square feet of surface area; and

(ii) be at least three (3) feet deep.

(D) The:

(i) walls;

(ii) roof; and

(iii) floor;

of the cage shall be constructed of not less than nine (9) gauge steel chain link.

(3) For polar, grizzly, and Kodiak bears, the following:

(A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:

(i) have a floor space of at least six (6) feet by six (6) feet; ~~of floor space and shall~~

(ii) be at least six (6) feet high.

(B) A suitable scratching post.

(C) An indestructible pool or tub. The pool or tub shall:

(i) contain at least seventy-eight (78) square feet of surface area; and

(ii) be at least three (3) feet deep.

(D) The:

(i) walls;

(ii) roof; and

(iii) floor;

of the cage shall be constructed of not less than six (6) gauge steel chain link.

(o) Cats must be provided with the following:

(1) For lions, tigers, cheetahs, snow leopards, and their hybrids, the following:

(A) A den adequate to provide privacy and comfort for all animals in the enclosure.

(B) An elevated:

(i) wooden loafing platform; or ~~an elevated~~

(ii) dry natural substrate loafing area;

large enough for all animals in the enclosure.

(C) A tree limb or other suitable scratching block.

(D) For lions and tigers, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:

(i) a two and one-half (2½) inch mesh maximum; or

(ii) the equivalent.

A three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof.

The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(E) For cheetahs and snow leopards, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:

(i) a two and one-half (2½) inch mesh maximum; or

(ii) the equivalent.

For cheetahs, a three (3) foot incline at the top of the eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(F) For lions and cheetahs, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five (45) degrees Fahrenheit. ~~(45°F).~~

(2) For black leopards, spotted leopards, jaguars, clouded leopards, mountain lions (also sometimes called pumas or cougars), European lynxes, and their hybrids, the following:

- (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
- (B) An elevated:
 - (i) wood loafing platform; or ~~an elevated~~
 - (ii) dry natural substrate loafing area; within the enclosure.
- (C) A tree limb or other suitable scratching block.
- (D) For black leopards, spotted leopards, jaguars, and mountain lions, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:
 - (i) a two and one-half (2½) inch mesh maximum; or
 - (ii) the equivalent.
- (E) For black leopards, spotted leopards, jaguars, and mountain lions, a three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
- (F) For clouded leopards and European lynxes, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:
 - (i) a two and one-half (2½) inch maximum mesh; or
 - (ii) the equivalent.
- (3) For caracals, Canada lynxes, golden cats, ocelots, servals, jungle cats, fishing cats, **bobcats**, and their hybrids, the following:
 - (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
 - (B) An elevated:
 - (i) wooden loafing platform; or ~~an elevated~~
 - (ii) dry natural substrate loafing area; large enough for all animals within the enclosure.
 - (C) A tree limb or other suitable scratching block.
 - (D) The:
 - (i) walls;
 - (ii) roof; and
 - (iii) floor;
 of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.
 - (E) ~~For golden cats~~, An artificial heat source that is sufficient to maintain a minimum ambient air temperature of **as follows:**
 - (i) **For golden cats**, forty-five (45) degrees Fahrenheit. ~~(45°F).~~
 - ~~(F) (ii) For jungle cats and serval cats, an artificial heat source that is sufficient to maintain the ambient air temperature of fifty-five (55) degrees Fahrenheit. (55°F).~~
- (4) For margays, leopard cats, pallas cats, marble cats, Geoffrey's cats, African wild cats, European wild cats, jaguarundis, little spotted cats, African black footed cats, sand cats, flatheaded cats, pampas cats, and their hybrids, the following:
 - (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
 - (B) An elevated:
 - (i) wooden loafing platform; or ~~an elevated~~
 - (ii) dry natural substrate loafing area; large enough for all animals within the enclosure. The top of the den or den box may be designed to meet this requirement.
 - (C) A tree limb or other suitable scratching block.
 - (D) The:
 - (i) walls;
 - (ii) roof; and
 - (iii) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.

(E) ~~For pallas cats~~, An artificial heat source that is sufficient to maintain a minimum ambient air temperature of **as follows:**

(i) For pallas cats, forty-five **(45)** degrees Fahrenheit. ~~(45°F) shall be provided.~~

~~(F) (ii) For Geoffrey's cats, leopard cats, African wild cats, little spotted cats, African black footed cats, sand cats, flat headed cats, and pampas cats, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of fifty-five (55) degrees Fahrenheit. (55°F).~~

(Natural Resources Commission; 312 IAC 9-11-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2741; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

LSA Document #05-214(F)

Notice of Intent: September 1, 2005; 28 IR 3611

Proposed Rule: November 1, 2005; 29 IR 616

Hearing Held: February 24, 2006

Approved by Attorney General: June 14, 2006

Approved by Governor: June 23, 2006

Filed with Secretary of State: June 23, 2006, 2:24 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Indiana Government Center-South, 402 W.

Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382,

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Posted: 07/19/2006 by Legislative Services Agency

DIN: 20060719-IR-312050214FRA

RULE RECORD FOR
LSA DOCUMENT #05-248(F)

FISCAL YEAR 2005–2006

LSA Document #05-248(F)

(Administrative Cause Number 05-081G)

Filed with Secretary of State: May 12, 2006, 10:28 a.m.

Small Business Regulatory Coordinator

Current Coordinator

James AmRhein, Assistant Director, Permitting and Compliance, Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, Room 293, Indianapolis, IN 46204, (317) 232-6961, jamrhein@dnr.in.gov

Past Coordinators

Brock A. Mayes, Department of Natural Resources, Division of Reclamation, R.R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayes@reclamation.dnr.state.in.us

Document History

LSA Document #05-248(F)

Notice of Intent Published: October 1, 2005; 29 IR 55

Proposed Rule Published: February 1, 2006; 29 IR 1725

Hearing Held: February 27, 2006

Approved by Attorney General: May 4, 2006

Approved by Governor: May 12, 1006

Filed with Secretary of State: May 12, 2006, 10:28 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted May 22, 2006

R.R. #2, Box 129
Jasonville, IN 47338
May 19, 2006

Ms. Jennifer M. Kane
Natural Resources Commission
Division of Hearings
Indiana Government Center South
402 W. Washington St., Room W 272
Indianapolis, Indiana 46204

Re: LSA #05-248(F) Proposed Rule
SBRC Comment Report

Dear Ms. Kane:

As you are aware under IC 4-22-2-28.1 (i) the coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director: (1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and (2) before July 15 of each year during which the rule remains in effect. The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

As Small Business Regulatory Coordinator for the LSA #05-248(F) amendment filed by the Secretary of State on May 15, 2006 and effective on June 11, 2006 (30 days from filing date) I am required to deliver a record of all comments received by May 22, 2006. At this time no comments have been received from small business affected by this rule. Required rule making procedures were followed starting with the public notice of intent to adopt a rule published in Indiana Register, all comment periods required by regulation were observed, and a public hearing was conducted on February 27, 2006. Any comments received during the hearing are on file with Division of Hearings.

If you have any questions contact me at our office.

Sincerely,

Brock A. Mayes
Small Business Regulatory Coordinator (SBRC)
Division of Reclamation

/bm

cc: Bruce Stevens, Director Division of Reclamation
Herschel McDivitt, Director Division of Oil and Gas

The Natural Resources Commission gave final adoption to the rule package LSA #05-248(F) at its March 21, 2006. No comments were received from the public.

Excerpt from the Hearing Officer Report dated February 28, 2006

REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

Nat Noland,
Director, Indiana Coal Council

Mr. Noland expressed his support for the proposed rule package.

Department of Natural Resources
Bruce Stevens, Division of Reclamation
Brock Mayes, Division of Reclamation
James AmRhein, Division of Oil and Gas

Department representatives stated that the proposed rule amendment package had been discussed with constituents of both the oil and gas and coal mining industry during the rule adoption process. They reported that no objections or comments, except for those expressed by Mr. Noland, had been received at any time.

b) **Comments Received Outside Public Hearing**

No comments were received outside the public hearing.

TITLE 312 IAC NATURAL RESOURCES COMMISSION

Final Rule

LSA Document # 05-248(F)

DIGEST

Amends 312 IAC 16-5-4 to authorize the director of the Department of Natural Resources to grant a variance from the requirement to install an intermediate string of casing as a result of amendments to IC 14-37-7-3 (P.L.80-2005, SECTION 6), which requires the running of an intermediate string of casing, whether drilled through a pillar or not, to 50 feet below the base of a commercially mineable coal resource for any oil and gas well drilled on lands underlain by an inactive underground mine or on lands within the permit boundaries of and active underground mine permitted under IC 14-34, and which variance is authorized under specific circumstances upon receipt of a written application for such variance, and to outline the provisions necessary for consideration of a variance request that includes well drilling in a manner that maintains structural integrity, is protective of the environment, and for which written consent from the coal operator of the underground mine has been granted. Amends 312 IAC 16-5-5 to correct an administrative code citation. Effective 30 days after filing with the Secretary of State.

312 IAC 16-5-4

312 IAC 16-5-5

SECTION 1. 312 IAC 16-5-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-4 Protection of coal resources

Authority: IC 14-37-3-11

Affected: IC 4-21.5; IC 14-34; IC 14-37-7

Sec. 4. (a) **Except as provided in subsection (b)**, if a well for oil and gas purposes is proposed to be drilled on lands:

(1) underlain by an inactive underground mine; or ~~on lands~~

(2) within the permit boundaries of an active underground mine permitted under IC 14-34; and if the well is completed as a well for oil and gas purposes, an owner or operator shall run an intermediate string of casing from the surface to a point at least fifty (50) feet below the base of the commercially mineable coal resources or the mine floor, whether drilled through a pillar or not.

(b) Upon written application to the director by a person that proposes to drill a well described in subsection (a), the director may grant a variance from the requirements of subsection (a) if, with respect to a proposed well on land described in:

(1) subsection (a)(1), written consent to the variance is given by:

(A) the permittee under IC 14-34; or

(B) the person that has the right to develop the coal resource; or

(2) subsection (a)(2), written consent to the variance is given by the coal mine operator under IC 14-34.

(c) If a variance is granted under subsection (b), the well must be completed as follows:

(1) In the manner required under this article.

(2) In a manner that prevents the following:

- (A) Waste.**
- (B) Fresh water pollution.**
- (C) Blowouts.**
- (D) Cavings.**
- (E) Seepages.**
- (F) Fires.**
- (G) Unreasonably detrimental effects upon fish, wildlife, and botanical resources.**

~~(b)~~ **(d)** A person engaged in the production of commercially mineable coal resources may file with the division a dated mine plan showing the workable limits of a proposed underground mine on lands for which the person has title or a legal interest, but for which an intermediate string is not required under subsection (a). The person may file amendments to its proposed underground mine.

~~(e)~~ **(e)** If a well is drilled and completed as a well for oil and gas purposes:

(1) through a commercially mineable coal resource; and

(2) within an area for which a mine plan is filed under subsection ~~(b)~~, **(d)**;

an owner or operator shall set a production string of casing, properly centralized and cemented, as documented by a sonic cement bond-variable density log.

~~(d)~~ **(f)** An owner or operator shall provide at least forty-eight (48) hours notice to the division and to the person who filed the mine plan before commencing logging operations under subsection ~~(e)~~. **(e)**. The person who filed the mine plan is entitled to:

(1) be present during logging operations; and ~~to~~

(2) examine the log.

~~(e)~~ **(g)** The division shall determine the adequacy of cement bonding, and, in the event of a bonding failure between fifty (50) feet below and one hundred (100) feet above the commercially mineable coal resource, an owner or operator must perform remedial action, as ordered by the commission, that results in adequate bonding.

~~(f)~~ **(h)** Within thirty (30) days of commencing logging operations, an owner or operator must provide the division and the person who filed the mine plan with a copy of the sonic cement bond-variable density log.

~~(g)~~ **(i)** Preparation of the log required under subsection ~~(e)~~ **(e)** and any remedial action required under subsection ~~(e)~~ **(g)** are at the expense of the owner or operator.

~~(h)~~ **(j)** If a well is drilled and completed as a well for oil and gas purposes through a commercially mineable coal resource, except a coal resource identified in subsection (a) or subsections ~~(b)~~ **(d)** through ~~(g)~~, **(i)**, that resource shall be protected by a properly cemented, centralized production string of casing.

~~(i)~~ **(k)** The division shall notify a permit applicant if the application is within the permit boundaries of an underground mine:

(1) permitted under IC 14-34; ~~or~~

(2) for which a mine plan has been filed as provided in subsections ~~(b)~~ **(d)** through ~~(g)~~ **(i)**; or

(3) which contains commercially mineable coal resources as set forth in section 5 of this rule.

No permit may be issued except under IC 4-21.5 and 312 IAC 3.

⊕ (I) Nothing in this section shall be construed to relieve an owner or operator from compliance with sections 19 and 20 of this rule. *(Natural Resources Commission; 312 IAC 16-5-4; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2338; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

SECTION 2. 312 IAC 16-5-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-5 Identification of commercially mineable coal resources

Authority: IC 14-37-3-11

Affected: IC 4-21.5; IC 14-37

Sec. 5. (a) The location of known commercially mineable coal resources is set forth in Cementing Depths for Mineable Coals, 1984 edition, as prepared by the Indiana geological survey. Upon receipt of a permit application under IC 14-37 and this article, the division shall determine whether the application is for an area known to contain a commercially mineable coal resource.

(b) A person may seek to revise Cementing Depths of Mineable Coals by filing a written request for an informal hearing under ~~310 IAC 16-2-3~~. **312 IAC 16-2-3.**

(c) **The location of commercially mineable coal resources referenced in Cementing Depths for Mineable Coals is presumed to be complete and accurate, but the presumption may be rebutted by an affected person under IC 4-21.5 and 312 IAC 3-1.** *(Natural Resources Commission; 312 IAC 16-5-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2339; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

RULE RECORD FOR
LSA DOCUMENT #05-261(F)

FISCAL YEAR 2005–2006

LSA Document #05-261(F)

(Administrative Cause Number 05-144D)

Filed with Secretary of State: May 12, 2006, 10:38 a.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife,
Department of Natural Resources, Indiana Government Center-South, 402 W.
Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382,
gmccollam@dnr.in.gov

Document History

LSA Document #05-261(F)

Notice of Intent Published: October 1, 2005; 29 IR 55

Proposed Rule Published: February 1, 2006; 29 IR 1727

Hearing Held: February 27, 2006

Approved by Attorney General: April 28, 2006

Approved by Governor: May 12, 2006

Filed with Secretary of State: May 12, 2006, 10:38 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted July 3, 2006

A question was received relative to small businesses and whether or not these rules prohibited the possession and sale of elk as authorized under a Cervidae Livestock Operation in IC 14-22-20.5. In the report provided to the Natural Resources Commission, the DNR stated that this does not prohibit the possession, sale, or humane slaughter of cervids who have a game breeder license and operate in compliance with IC 14-22-20.5 for cervidae livestock operations. There is no “Cervidae Livestock Operation License” issued by the DNR.

The Small Business Regulatory Coordinator did not receive any complaints or comments.

Excerpt from March 21, 2006 Natural Resources Commission minutes.

Consideration of Rule Processing, Report of Public Hearing, Comments, Response by the Department of Natural Resources, and Presentation for Final Adoption of Rule Amendments Governing Deer Shooting in Enclosures and Multiple Amendments Regarding Exotic Mammals (Administrative Cause Number 05-144D; LSA #05-261(F))

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Jack Hyden, President of the Indiana Beaglers Alliance, said “a lot” has been discussed over the past two years regarding deer hunting preserves. Hyden said that he previously asked field trial participants and those attending annual meetings for “sporting dog” groups “what their feelings were about deer hunting preserves and the deer farmers?” He said “80% to 90%” of the responses “consistently have been that there isn’t a problem from the average sportsman with the existence of deer hunting preserves and the hunting behind a high fence.” Hyden said that to compare a hunting preserve to a “hog lot” would be “simply untrue. I am just here to let you know that I know there are thousands of sportsmen in the state of Indiana that do support the existence of hunting preserves and hunting behind a high fence with some restrictions.”

Doug Allman indicated that he was present on behalf of the Indiana Deer Hunters Association (IDHA). He noted that the IDHA has been involved in the discussion of the issue, as well as other sporting groups. “I disagree that sportsmen are in favor of this type of hunting activity. Survey after survey shows that the hunting community is against it.” He said the deer breeding and hunting preserve industries attempted to amend the governing statute to allow “more profitable” activity under the deer breeder license. “We do not need to hunt animals that are captive reared, raised as livestock, artificially inseminated, and then turn them out as if they were wild animals.” He asked the Commission to “move forward” with the proposed rule package.

Gary Doxtater said he was a member of “many of the groups that testified” before the Commission, but today he was commenting on his own behalf. He said that he “learned” during conversations with legislators regarding the rule proposal, the legislators “felt that they didn’t like the ethics behind hunting behind a fence, but they were concerned about the folks who have invested into this industry.” Doxtater pointed out that the U.S. Fish and Wildlife Service and the Department report that “deer hunting alone” adds “\$600 to \$700 million every year” to the economy. If Chronic Wasting Disease (CWD) “gets into Indiana and it’s all around us,” Indiana “could be faced” with a similar situation as Wisconsin. He said Wisconsin’s Department of Natural Resources spends “half of their budget” to check the spread of the CWD. “Importation of deer for hunting purposes increases the chances of CWD coming into Indiana. Now is the time to stop it and reduce that risk.”

Richard Mangus addressed Mr. Doxtater. “Your argument is that to import deer for behind-fence hunting would increase a lot of risk?” Doxtater answered, “That is correct.” Mangus said he understood “most of the deer were raised by the farmers.” Doxtater explained that in 2000 Wisconsin has “tied down” a deer breeding farm operation that “out of 80 deer, 76 were infected with CWD.” Since 2000, CWD has “spread to six other operations” in Wisconsin. He said the “odds of CWD goes up with more activity of raising deer.” Mangus inquired whether the Department could “pass a rule” prohibiting deer importation. Doxtater indicated the Department

has worked with the State Board of Animal Health to try and achieve this result, but “there are big bucks for big bucks.” Doxtater said that he cannot emphasize enough the “impact that Wisconsin is going under right now.” Mangus said, “I heard a lot about crossbows. ‘Crossbow is going to ruin deer hunting.’ Did it?” Doxtater answered, No.”

Glenn Lange said he was a wildlife biologist by education and experience. “I have been a wildlife biologist for more than 30 years.” He said he represented the Indiana Chapter of the Wildlife Society, a professional organization that represents wildlife biologists and ecologists. Wildlife biologists are “very concerned” with the spread of CWD. “This is our major issue with these kinds of facilities.” Lange said CWD is a “real threat”. He said he agreed with the suggestion by Commissioner Mangus regarding prohibiting deer importation, “but that is up to the State Board of Animal Health.” This Commission recommended prohibiting importing deer into Indiana “a few years ago, but the Board of Animal Health ignored that.” Lange referred the Commission to the Society’s mission statement and comments from other wildlife biologists included in the record. “We support this particular rule wholeheartedly and hope that you will agree that we need to totally eliminate these kinds of facilities, if at all possible.”

John Goss thanked Director Hupfer and the Department for “moving this ahead.” He said this issue was “probably one of the toughest” to address during his previous tenure as Department Director. “I think it is time to act now before Indiana gets in a more difficult position with this industry.” Goss recognized past President of the Indiana Wildlife Federation Paula Yeager’s efforts for “educating Indiana about [CWD] and the problems with unethical hunting”. He said hunting behind high fence was “not just a hunter’s issue. It’s something people all over care about.” Goss, on behalf of the Fair Chase Alliance, also noted other organizations that “worked hard” to support the rule proposal: Izaak Walton League of Indiana, Indiana Deer Hunters Association, Indiana Bow Hunters Association, Wildlife Society of Indiana, Indiana Wildlife Federation, and Indiana Sportsmen’s Roundtable. “We ask you to please vote, ‘Yes’.”

Jerry Wheeler, Vice President of the Indiana Wildlife Federation (IWF), spoke on behalf of the 42 affiliated local conservation clubs and over 1,000 individual IWF members across Indiana. “We strongly support” the proposed rule amendments. He also noted that the “public does not support high fenced hunting.” Wheeler indicated that 652 IWF members signed a petition that reads:

I support a permanent ban on canned hunting in Indiana. High fenced shooting of deer and exotic mammals is unethical, diminishes public image of hunting, and increases the threat of disease to our native wild deer.

Wheeler concluded, “On behalf of the 652 Hoosiers who signed this petition and the other members of the IWF, I urge the Commission to adopt this rule.”

Terry Receveur, representing the Indiana Bow Hunters Association, spoke next. “We, as sportsmen, have a certain standard within the general population of having the ability to go out and match wits, per say, with those wild creatures that we, as hunters, pursue. What canned hunting does is it takes that away.” He said hunting is “not about killing; it’s about the experience.” Receveur said, “90% of the population is basically in support of hunting, of which 80% basically have no opinion. It’s that 80% of the population that will ultimately determine our future on hunting. We have to maintain our standard with that population.”

Phillip Ohmit, retired Indiana Conservation Officer, and representing the Indiana Deer Hunters Association, Indiana Bow Hunters, and Indiana Chapter of National Wild Turkey Federation,

indicated that during employment as a conservation officer he relayed to the deer breeding industry that “they couldn’t hunt under a game breeder license.” Regarding deer importation, Ohmit noted, “You can get \$15,000 to \$20,000 for these ‘shooter bucks’ that come into the state.” He likened the issue to narcotics importation. “They will bring it in when the money is there.”

Greg Seketa, representing the Indiana Sportsmen’s Roundtable, said the record is “complete” and “I think it’s now time for a vote to bring this matter to conclusion.”

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Excerpt from the Hearing Officer Report dated March 3, 2006.

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2. RULE PROCESSING

During its meeting of September 20, 2005, the Natural Resources Commission gave preliminary adoption to several changes to the rules that assist in implementation of the Fish and Wildlife Code (IC 14-22).

These rules are codified at 312 IAC 9. These amendments were directed to hunting white-tailed deer; and the taking, possession and releasing of exotic cervids and other mammals. As reflected in pertinent part from the Commission minutes:

Linnea Petercheff, Division of Fish and Wildlife, presented this item. She said the rule proposal would add a provision in the rules governing deer hunting to clarify that white-tailed deer cannot be hunted if the deer is possessed under the authority of a game breeder license. Petercheff explained that under the new proposal, Indiana citizens who wish to possess white-tailed deer for any purpose must obtain a game breeder’s license issued by the DNR. “The scope of the game breeder’s license is limited to propagation of an animal in captivity or the possession purposes for the sale of an animal for the purpose of propagation, which is indicated in statute.” Petercheff said the rule proposal would not allow for the “purposeful killing” of deer maintained under a game breeder’s license.

Petercheff explained another aspect of the rule proposal would prohibit the taking of exotic animals and “essentially releasing them in the wild in Indiana.” The proposal would prohibit hunting of exotic animals such as fallow deer, elk, antelope, and zebra. “The list of families of exotic animals in the rule includes many species found throughout the world that could possibly be kept in captivity under a permit.” Petercheff said the intentional release into the wild of lawfully possessed animals would be prohibited. The rule proposal would require notification to a conservation officer of an escape of an animal within 24 hours. She also explained that cervids are required to be registered with the Animal Board of Health, but there is no notification required of a cervid escape. “Wild boar would be allowed to be taken at any time due to disease concerns for domestic swine and a potential for damage to property.”

Petercheff said the proposal would allow for other species of exotic animals to be taken by a landowner or a tenant if the animal is causing damage to property. She also said the proposal would authorize possession of exotic animals from a family listed in the rule “only if allowed by statute or administrative rule.” Petercheff said a new exotic animal possession permit would be established under the proposal to allow for possession of animal from the cervidae family, such as elk and fallow deer. She explained that the new permit is needed to allow for lawful possession of these species and to provide “protection from disease stress” to Indiana’s white-tailed deer population.

Petercheff said the DNR does not currently allow for the possession of these species under any type of permit. “Furthermore, if they are not licensed by the USDA, the Animal Care Division of the Animal Welfare Act, as a breeder or an exhibitor [persons] would not have any license provision to possess them at all.” Persons keeping these species as “pets” would not be licensed by the USDA and would be under the DNR’s jurisdiction. “This rule would establish a permit to allow them to keep those animals, and includes many of the same provisions that are in the game breeder license.” Petercheff said that other states, such as Kentucky, have similar possession permitting for captive cervids.

Commission Member, Raymond McCormick, asked for clarification in the rule proposal of the word “propagation”. He said, “When you say strictly ‘for propagation’, people in my area that collect urine from deer, would that practice be allowed then?” Petercheff, responded that the collection of urine would be allowed under the proposal.

Dick Mercier, Indiana Sportsmen’s Roundtable, said the rule proposal is “something we needed to clarify early assaults that we have had in this state for some years.” He thanked Chairman Kiley for his service, and added, “Mike, we are going to miss you.” Kiley characterized the Indiana Sportsmen’s Roundtable as a “great organization.” Rick Cockrum, Commission Member, asked Mercier to summarize some of the organizations the Round Table represents. Mercier responded that the Roundtable consists of sportsman groups as well as individual members, clubs and organizations throughout the state, including the Indiana Deer Hunters Association, Indiana Ducks Unlimited, Bow Hunters Association, and Bass Federation, and many others.

Gary Doxtater, Indiana Wildlife Federation, said, “We just want to go on record supporting this item, and, in fact, Agenda Items 4, 5, 6, and 7.” He reported the Federation is “glad to see this moving forward for preliminary adoption.”

Doug Allman, Indiana Deer Hunters Association, said, “We strongly support this.” There have been many escapes of animals, most recently of elk in Steuben County. He urged the Commission to look at “visible identification” such as tagging so that “we can, in terms of deer, differentiate between wild deer and the captive deer that have escaped. With elk, we can then trace back with the visible ID number towards where that animal escaped.” Chairman Kiley asked if the Indiana Deer Hunters Association would participate as the proposal moved forward through the hearing process. Allman said it would.

Jack Corpus, Ruff Grouse Society, added, “We thoroughly support this particular action to eliminate the loopholes.”

Rick Cockrum moved for preliminary adoption of rule amendments to 312 IAC 9 governing the hunting of white-tailed deer; the taking, possessing, and releasing of exotic mammals; and adding 312 IAC 9-3-18.5 governing possession of exotic cervids. Bryan Poynter seconded the motion. Upon a voice vote, the motion carried.

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3. REPORT OF PUBLIC HEARINGS AND COMMENTS

A. Public Hearing

The public hearing was conducted as scheduled on February 27, 2006. Procedures were outlined by the hearing officer. Linnea Petercheff of the DNR’s Division of Fish and Wildlife distributed a written overview of the agency’s purposes regarding the proposed rules. A digest of public comments, including written materials provided at the public hearing, is set forth immediately below. For these comments, and

subsequently for other timely comments, some grammatical adjustments were made to facilitate review by the Natural Resources Commission and members of the interested public.

Wayne Long indicated he was opposed to the proposed rules.

Doug Allman of Indiana Deer Hunters Association said he had been actively involved with the subject of the rule proposal since 1999. He indicated he and his Association were supportive of the amendments given preliminary adoption by the Natural Resources Commission. Hunting of white-tailed deer within enclosures was inconsistent with the principles of the Association and should be terminated. “We hunt wild animals, and we want to keep it that way.”

Allman supplement his oral remarks with documentation stating: “We support the Directors action” and with comments directed to specific provisions as follows:

312 IAC 9-3-2:

(f) The hunting of white-tailed deer possess under the authority of a game breeder license pursuant to 312 IAC 9-10-4 is prohibited.

Comments: How does this prohibition apply to the killing or shooting of deer for other than hunting purposes? Since hunt means to take other than by trapping and the definition of take includes to kill or shoot, it seems that this would prohibit a game breeder licensee from dispatching a critically injured or diseased animal. Another legitimate scenario could include the need to “cull” or depopulate a herd. I would propose that only the licensed game breeder be permitted to kill or shoot WT deer under these circumstances. Any other killing or shooting of permitted deer must be consistent with established USDA humane slaughter guidelines.

This prohibition should also include **or offer to hunt**. Such added language would help to prohibit both ends of the transaction.

312 IAC 9-3-18.5

(a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals.

IDHA Comments: We believe that there is a conflict in that this rule would prohibit what is expressed authorized under IC 14-22-32-2? It seems the rule is effectively repealing the statute and we question whether that is authorized or consistent with IC 14-22-32-6. It allows exotic mammals other than those possessed under a shooting preserve license (none of which are permitted) to be hunted or offered for hunting. Does Indiana General Assembly need to enact a law?

In addition, a similar concern exists as outlined in comments regarding the proposed change to 312 IAC 9-3-2(f) above. We would suggest that only the lawful owner of an exotic mammal be authorized to kill or shoot an injured or diseased animal and that any other killing or shooting be done consistent with established USDA humane slaughter guidelines.

(7) Cervidae (elk, moose, caribou and other exotic deer).

Comments: Clearly, white-tailed deer are not exotic mammals under IC 14-8-2-87 as they are both “native to Indiana” and never documented as “extirpated from Indiana.” However, to avoid any potential confusion by unfamiliar legal scholars, we recommend that the Cervidae family read elk, moose, caribou and **all species of deer other than white-tailed deer**.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or by this article.

Comments: IC 14-22-2-6 doesn’t seem to provide the director the authority to adopt rules relative to the **possession** of exotic mammals. Can rules relative to the possession of exotic mammals be implemented

absent this expressed statutory authority? Possession of wild animals is specifically covered in IC 14-22-6-1, but it does not include exotic mammals.

312 IAC 9-10-21

Comments: Same concerns as outlined above in proposed change 312 IAC 9-3-18.5(c).

Kathleen Allspaw of Nashville said she was “also in support” of the proposed rule. She said the human record for the treatment of domesticated animals was not a good one. She wished for white-tailed deer to continue their status as wild animals. She said this position was supported by the Indianapolis Humane Society and its membership. She was she was “fearful” of the treatment that domesticated deer would ultimately receive.

David Borkholder of Nappanee said, “I am opposed to this ruling. I think a lot of the public has been watching the *Bellar* case, and there was some unlawful activity there. What they don’t realize is a lot of these hunting preserves are hundreds of acres, and you’ve got to hunt the deer just like in the wild.” He added a written comment: “I am opposed to rule package LSA #05-261.”

Lee Fritz of Bremen said he was opposed to the proposed rule. He agreed some regulation of the activity was probably needed but disagreed with an outright ban.

Samuel Miller said he opposed the rule proposal. He also wrote, “I opposed Rule LSA #05-261.”

Bill Harring said, “I am in support of this rule. In fact, I think it should go farther than it does. Indiana has a long-standing history of hunting deer.” He said the tradition was the “pursuit of wild deer, not the pursuit of deer behind high fences. We need as a state to make a very positive, very crystal clear statement that the state does not support this kind of shooting of deer behind the high fences.”

Ervin Eash of Ligonier said he hoped “common sense will prevail.”

Raymond Graber of Grabill said, “I oppose the bill, essentially for the reason we all have to try and make a living.” He added, “As far as shooting a deer from one side of the fence to the other, I think there’s probably a better chance of a deer being as bad inside a fence as being outside.”

Jonas Graber said he also opposed the rule proposal. He said the proposal would “shut us down” and was unfair. In a written note he added, “I opposed the Rule LSA #05-261.”

LaVerne R. Graber indicated he opposed the proposal. “I think a lot of what has been said” also described how he felt. He stated in a written note: “I opposed to D.N.R. Bill LSA #05-261.”

Raymond B. Graber stated he also opposed the proposal for the reasons stated by other members of his family. He repeated his oral comments with a note that stated: “I [am] opposed to this Bill [and] hope you don’t put us out of business.”

Jim Inlaw said, “I oppose this bill, also. This country was started with people who started out with hard work. I also heard a lot of people say they were concerned about the deer. If they’re going to say it’s tough to take the deer, then are they going to the quail, pheasant, chucker on those places where they’re hunted, or the fish that are raised then placed in the rivers and streams?” He said he saw “nothing wrong with high-fence hunting.”

David Graber said he was opposed to the proposed rules. He added in a written note: “I opposed the D.N.R. Rules LSA #05-261. We all like to make a living. We are not asking for a hand out.”

Martin Schwartz of New Haven said he was “totally opposed” to the proposal.

Alan Jones of West Harrison said, “I’m here to support the high-fenced hunting and all the deer breeders in Indiana.”

Christ Lengacher of Grabill said he was opposed to the rule proposal. He supplemented his oral comment with the written statement, “I am opposed [to] the Rule LSA #05-261.”

Leon Beachy of Millersburg stated, “I am totally against this bill. I have got a family, and I think it’s important to keep the farms going and keep the work ethic going. That’s one way to make a living and generate revenue for the State of Indiana.

Erwin Bontrager of Topeka said, “I oppose this bill. I think it’s a backdoor way to try to take farming out a business that it’s been for thousands of years, if you look at history.” He reflected he believed deer and other animals “were put here to eat, and that’s the bottom line.”

He also wrote:

I oppose this rule. It is against property rights. DNR claims science on CWD. If they got it, where is evidence? Also, these hunting clubs claim they are opposed. If you ask people in my area, they are not opposed. Also, they are using the term “canned hunt” to get these numbers. They know the truth. They just don’t want it.

Jack Hyden of Winona Lake reported that he was President of the Indiana Beaglers Alliance. He said he spoke for thousands of sportsmen in the state, and the overwhelming majority favored high-fence hunting. The “owner of private property should have the right to do with it what they want to do. There is absolutely nothing unethical about a hunting preserve. On behalf of the members and supporters of Indiana Beaglers Alliance, and the thousands of the sportsmen that I’ve talked to over the last year-and-a-half, we totally oppose any restrictions on the hunting preserves or the deer farming as it’s proposed in the rule change.”

Lewis Miller of Fort Wayne stated he was opposed to the rule proposal. He repeated the comment in writing, indicated he was “opposed” to “the bill”.

Lester Eicher of Grabill said he was also opposed to the proposal. He also wrote to indicate he was opposed.

David Cross said he was opposed to the proposal.

John Murrell said, “I oppose the administrative rule. This rule goes beyond just trying to shut down hunting preserves. It’s going to attempt to limit what, as deer farmers, we can do with our animals. It’s going to limit our market or maybe our ability to move our animals to markets possibly outside the state. The animals we have are private property, and, certainly, we should be allowed to do as we would. If it wasn’t for the deer farmer, we may not still have deer in this state. They were extirpated from the state, and they were reintroduced from a good number of deer farmers. So, there are deer because of deer farmers.”

Carrie Hamilton indicated she and her organization were supportive of the rule proposal.

Robin Zwick said she supported the proposed rule amendments.

Sheri Schwartz of Pierceton said, “I support this rule package for a number of reasons. One, the DNR explained its reasons in the report, and I support that. Two, we have land that is adjacent to one of these facilities, and now I have to be concerned about the safety of my child outdoors, January through December. There is a true safety issue, and no one has even talked about that.” Additionally, she said breeders have spoken about the investments they have, but “owning your own business is a risk taking.” They thought there “was a gray area in the law on which they could make a profit.”

Richard Reed said he was “the owner and the operator of a shooting preserve. I heard a person say that it’s not ethical to hunt these animals behind fences. Well, the only alternative I’ve got with these elk is the slaughterhouse. They’re shot right in the trailer. That’s not ethical.”

Frederick Johnson said he opposed the rule proposal.

Richard Harris of Indianapolis said he understood “there were tens of thousands if not hundreds of thousands” of wild deer in Indiana, and there was a need to control their populations. “There is an over-population of deer. The idea of raising captive deer seems completely unreasonable to me. I think some things are right and some things are wrong.” He believed these ethical standards were not only based on the ability to make money, and he supported the rule proposal.

John Yoder of Topeka said he opposed the rule proposal. He said the proposal was “an illegal and unethical attempt by the DNR to take over what has already been established as a legal way operating.... There has already been a law passed this last summer where they gave us the okay to do this. Deer are farm livestock, and the DNR are trying to do what’s not even right. It’s illegal and unethical.” He added “deer are farm animals. They are domesticated. It’s just plain not right.”

Yoder supplemented his oral statement with the following written comments:

Is this a free country? These are privately owned deer & we pay taxes on them.

The DNR is now overreaching its authority. What the DNR is now attempting is totally unethical & an under handed illegal attempt at undermining eminent domain. It is a slap in the face of voted in, legal government, which has passed laws stating that these are domesticated livestock in which we can raise & care for them & harvest them.

We have been severely harassed the last several years by the D.N.R. (Threatening statements, etc.) & also with unethical administrative rules. We are being closely monitored by the IBOAH. We welcome that. We want & need good-healthy deer.

These animals are privately owned, & this is an illegal slam against our own constitutional rights.

David O’Brien said he opposed the rule proposal. He supplement his oral comment with the statement: “I oppose the DNR white tail & exotic mammal rule package (LSA #05-261).”

Ernest Lengacher of Woodburn said, “I oppose this regulation.”

Steve Smith also expressed opposition to the proposed rule.

David Abbott said he opposed the proposed rule.

Don LeCount of Leesburg also said he opposed the rule proposal.

Doug Berty of Edinburgh said he opposed the proposal. He said high-fence hunting on private preserves was “no different” than fenced hunting on government properties. “If there going to do this, they should shut down all government hunting behind closed fences as well.”

Lynn Jenkins said she supported “the ban” set forth in the proposed rule. “I’m not a PETA person. I support ethical fair-take hunting. I do not support canned hunting.”

John Linton of Pierceton said he opposed the proposed rule.

Donald Blintzinger presented oral remarks and the following written statement for the record:

I am Don Blinzinger with the firm of BoseTreacy Associates. I am appearing today in the matter of LSA Document #05-261 on behalf of the Indiana Deer and Elk Farmers Association.

A plain reading of LSA Document #05-261 suggests that this Proposed Rule by the Department of Natural Resources has four purposes:

(1) To prohibit the hunting of white-tailed deer under the authority of a game breeders license as found at IC 14-20-22 and 312 AIC 9-10-4

(2) To prohibit the taking of an exotic mammal that is a species from any of the families of mammals specified in the rule

(3) To establish requirements that a person must satisfy to possess one or more species of exotic mammals from the cervidae family

(4) To help protect Indiana's wild herds from possible disease from captive herds and to provide for enforcement of the permit requirements.

Attention to each of these purposes is instructive as to the overall merit or lack of merit associated with the proposed rule.

The hunting of privately owned white-tailed deer has been prevalent in Indiana since the late 1980s and has been authorized and regulated by the Indiana Department of Natural Resources through the statutorily based Breeders License found at IC 14-22-20. As found in the statute, the Breeders License is a license to propagate in captivity and possess, buy or sell for the purpose of propagation only game birds, game mammals or furbearing mammals protected by Indiana law. 312 IAC 9-10-2-1 states that the license as a game breeder is for one or more of a species of a family of wild animals including white-tailed deer (*Odocoileus Virginianus*). It is more than a little puzzling that the Department of Natural Resources now moves, through LSA Document #05-261, to render illegal that which the Department has found legal for at least the last twelve years. It is even more confounding that the Department does so through a reliance on bits and snatches of statute and regulation that do not relate to each other based on any coherent legality. It is for this reason that the Department is currently embroiled in a lawsuit in Harrison County Indiana and in all probability will find itself the target of additional lawsuits if it continues to pursue the promulgation of LSA Document #05-261

The taking of privately owned fallow, red and mule deer and privately owned elk has been prevalent in Indiana since the late 1980s and has not been regulated by the Department of Natural Resources. Unlike was the case with the private owners of white-tailed deer, no private owner of the referenced deer or elk have ever been advised that it was necessary for them to obtain a Breeders License. It is confounding that after having taken no account of privately owned fallow, red and mule deer and privately owned elk, the Department of Natural Resources now proposes to prohibit the taking of these privately owned animals through LSA Document #05-261.

In proposing a new regulatory scheme for the possession of exotic mammals, the Department of Natural Resources has not taken into account the passage of HEA 1780 P.L. 93-2005. This Act, passed by the Indiana General Assembly and signed by the Governor, creates **Cervidae Livestock Operations**. IC 14-22-20.5 clearly and emphatically recognizes the private ownership of cervidae. The Act states that such operations involve the breeding, propagating, purchasing, selling and marketing of cervidae and cervidae products and does not include the hunting of privately owned cervidae. Interesting enough, the Act also stipulates that a cervidae livestock operation must possess a breeders license under IC 14-22-20. This requirement represents the most glaring inconsistency that emerges between HEA 1780 P.L. 93-2005 and LSA Document #05-261. Cervidae livestock operations are now potentially constrained to the possession of privately owned cervidae solely for the purpose of propagation and the need for two separate licenses from the Department of Natural Resources. This reality is not identified in the preamble to LSA Document #05-261 even though confusion and a burdensome paper work requirement will be imposed. This is the

price that cervidae livestock operations will pay because the Department of Natural Resources seeks to interject itself into an agriculture enterprise through the promulgation of LSA Document #05-261.

The Department of Natural Resources states in the preamble to its proposed rule that there is a need to protect free ranging wild deer from possible disease contamination from privately owned captive herds. Such a contention ignores the reality that captive cervidae are consistently under the care of veterinarians and all deceased animals from privately owned herds are subject to the testing of brain tissue samples as required by the Board of Animal Health. As a result of such stringent animal health measures the privately owned captive cervidae herds in Indiana are within 1 year of a 5-year disease free period. In contrast, the closest and most recent disease case found in the last 9 months was with a free ranging wild deer in Illinois. It is also known that the Department of Natural Resources did not conduct any disease testing of any of the free roaming wild deer taken during 2005. It is more true than not that it is the privately owned cervidae in Indiana that must constantly be protected from disease contamination from the state's free roaming wild white-tailed deer.

A clear reading of P.L. Document #05-261 indicates that the proposed rule is fundamentally flawed. Weighted down by competing and conflicting goals that are more the result of whim and philosophy than public policy need, the proposed rule lacks focus at the expense of several hundred Hoosiers who are private citizens. It is clear that the proposed rule is based on the International Association of Fish and Wildlife Agencies' September 21, 2002 White Paper titled THE VALUE OF THE NORTH AMERICAN MODEL OF FISH AND WILDLIFE CONSERVATION. This document calls attention to the slow, but sure, creep of privatization upon wildlife resources and outlines the need for state level fish and wildlife agencies to resist this reality. It is a philosophy borne of this issue that is at the very foundation of LSA Document #05-261. Regrettably, such a philosophy is in conflict with the reality of private property rights. No state agency is empowered to mediate such a weighty conflict including the Department of Natural Resources. In the alternative, it is the Indiana General Assembly which is accorded such responsibility under Indiana's constitution. As a result, LSA Document #05-261 should be withdrawn by the Department of Natural Resources.

Frank Keeton of Brownsburg spoke as President of the Indiana Deer and Elk Farms Association. "He said the opposition from the DNR and people who are opposed to high-fence hunting say that the public does not want hunting behind a fence. Yet through the DNR office you can learn that between 8,000 and 9,000 people a year apply to the DNR for the privilege of hunting their high-fenced hunting preserves across the state." He said the DNR allows "I think around fifteen hundred to hunt on these preserves that they control.... They've got feeding stations in some of them. Some of them are divided with multiple fences within, so they're not as large as they seem to be. Seems like we get accused of that, but they're doing the same thing."

Keeton said the Federal Government operates a hunting preserve in the State of Washington. "This preserve is on Federal National Forest lands owned by the taxpayers. They allow hunting inside the pen. They monitor the hunting. They've got radio collars" to help the Federal Government know where the herds are. "I don't understand the conflict."

He said one neighbor to a hunting preserve complains about safety, "but yet they cut the trees down on the fence line between the two properties so they could better see the preserve. Looks to me like those trees would be better protection if they had been left. A lot of things don't make sense that's going on."

Keeton added, "There was talk about the heritage of hunting. One of the heritages of hunting is for over 2,000 years hunting preserves have been in existence. You could go to England.... It was the only place you can hunt is behind a fence. It had been so populated that preserves is the only place to hunt...."

He said, "These are property rights. You take one person's property rights away, and then you'll lose another and another. And pretty soon you won't have any property rights left. They are our private property. We own them. They're not property of the state. We're not taking the state's property.... If you shut a business down, that's called a 'takings'. There would have to be compensation paid to businesses if they're put out of business. DNR is responsible for that if it happens."

Keenton continued. "The bird preserves, they're no different than the deer preserves. If one goes, the other is going to go. I don't see why everybody can't see that. We should be on the same sides instead of opposing sides."

He said, "CWD has been a tool to hit us over the head with for many years. The opposition will tell you CWD came from and was first found in a captive herd. That's true. The captive herd was a group of wild animals...captured by the government on National Forest Lands by the department of wildlife. The DNR people were responsible for capturing these animals, doing research on them. Prior to that captive herd and the research being done on them there was no CWD known. Animals in that research facility were injected in the brain with scraping material from sheep...." Keeton then referenced documentation from a DNR website, and he provided the CACCC Meeting Report (October 7, 2003) to the hearing officer following the public hearing as illustrative. In particular, he referenced "Questions to Dr. Garland" from the second page of the report:

The following is a bullet list of answers given by Dr. Garland to questions asked by council members:

- Wild animals do get CWD
- Maybe an environmental component to CWD
- Research in captive animals-source animals come from wild and private owned
- 4/1 ration males get CWD more than females
- Where did CWD come from in Wisconsin, Saskatchewan, Utah? ANS: Fort Collins, Colorado Research Facility. Dr. Garland has seen records which states deer were transported from Fort Collins, Colorado Research to Saskatchewan, Utah and Wisconsin
- Affect population? No studies done as yet
- Question to Dr. Garland, "What would you suggest to do if animals test positive in Indiana? Reply: There are two thoughts as to what to do:
 - A. Kill all affected animals
 - B. We can "manage" out of it
- There is no scientific evidence what works best when CWD comes to the State
- Dr. Garland believes if CWD comes it may walk in from the North West population of wild animals. If all movement of captive cervid were stopped there is likelihood there would still be CWD coming to the state.
- It's not a matter of "if" but "when" we get CWD
- How other States manage population of deer is not under our control
- Captive deer private owned deer and farms should have different rules for farms- Animals are tested and have health history.

Keeton also described correspondence from the Department of Natural Resources that he indicated gave clear authorization for the operation of hunting preserves for deer. He provided photocopies of these letters to the hearing officer following the hearing. They provide in substantive part:

March 25, 1999

Whitetail Bluff
Rodney Bruce
873 Walnut Valley Road
Corydon, IN 47112

Dear Mr. Bruce:

Officials from both the Law Enforcement Division and Division of Fish and Wildlife met and reviewed your letter dated February 23, 1999 (enclosed). At this time, we can find nothing illegal or contrary to our hunting laws regarding your business proposal and plans as detailed in your letter. Unless

there is additional information of which we are not aware, I believe that you are on legal ground with us to proceed with your "life-long dream".

However, please be aware of the fact that state statutes and rules may change in the future that would disallow the type of business venture that you have described to us. Whether or not previously established businesses of this type would be allowed to continue after the possible law change is unknown at this time.

If you have any further questions or concerns, please contact Lt. Dye at your convenience.

Sincerely,

Colonel Larry D. Allen
Law Enforcement Division

May 4, 2005

Richard W. Reed
R&R Elk Ranch
6144 Co. Rd. 04
St. Joseph, IN 46785

Dear Mr. Reed:

Enclosed please find your private shooting preserve license and the law (Indiana Code 14-22-31) governing the shooting preserve license. The license is allowed only on a contiguous tract of land containing between one hundred (100) and six hundred forty (640) acres that are posted and clearly defined by a fence of at least one (1) strand of wire. This area can be used to hunt pheasants, quail, captive-reared and properly marked mallard ducks and chukar partridges. Current state law (IC 14-22-31-7) does not designate any exotic mammals that can be hunted under this shooting preserve license. However, elk and Russian boar may be hunted without a license from the DNR at this time. If you need additional information or have any questions, please free to contact your local conservation officer or myself at (317) 233-6527. Thank you.

Sincerely,

Linnea Petercheff
Operations Staff Specialist
[DNR Division of Fish and Wildlife]

He said all the CWD that has been spread throughout the United States "you can either connect it to a research facility" operated by a department of natural resources "or from a farm that purchased animals down the line from that research facility." He said when an animal has CWD on a farm, "that whole farm is eradicated. Anybody that it sold animals to for the past five years, they're traced out and that herd is killed. In the domestic side of it, CWD is not a problem. We can control and contain it." The problems with CWD result from "rehabbers" and the poor performances of state departments of natural resources, such as the state agency in West Virginia.

Keeton summarized, "If you can't tell, I'm against the bill."

Robert Keeton said he was "totally opposed to the bill. I've heard different statements made, but anytime that the rights of animal herds are exalted above human beings, something is wrong in our nation. That's

not the way God designed it. That's not the way God intended it. God gave these animals to eat for human beings..., and the killing of them, whether it be behind a fence or outside of a fence, it doesn't matter. That's not the issue. The issue here is animals exalted by DNR above that of human beings, and that's wrong in the sight of God."

Leslie Clodfelter of Roachdale said, "I'm against this administrative rule change. DNR should only have jurisdiction over wildlife. Some of the issues that's being discussed in this rule is trying to give DNR authority over private livestock. It also affects our ability to market animals because you can only sell them solely for propagation."

Gene Clodfelter added, "I'm raising these elk now, and I've been a farmer for all my life for all kinds of livestock. I think it's wholly inappropriate for this bill because you're infringing on our rights. I'm not interfering with your rights, and feed your deer every day on my farm."

David Dimmich, Vice President of the Indiana Deer and Elk Farmers Association, spoke and entered the following written comments into the record:

The Indiana Cervid Industry is a group of over 300 farm families scattered across the length and breadth of our state. The Proposed Rule Changes suggested by Director Kyle Hupfer would endanger the existence and survival of those farms. It is a reckless journey into eminent domain territory and truly represents a government taking of privately owned property that is currently governed by Indiana statute. The suggestion that this action is prompted by CWD concerns is totally unfounded, when one considers the fact that CWD is being found in states like New Mexico and Utah, where there is no history of game farms ever being present or any documentation of any animals ever being transported to those states. This whole exercise plays directly into the hands of those forces whose sole agenda is to eliminate all forms of hunting in all places. Those entities, namely the Humane Society of the United States, The Fund for Animals, and PETA, have duped sportsmen's groups into the false thinking that they are in a common fight on this issue, but nothing could be further from the truth. Please vote no on the proposed rule changes.

Cliff Carley stated, "I oppose this rule. For a state that's so broke and even needs to go outside the United States to even bring money here for the Toll Road and that kind of thing, for the \$100,000 in taxes that this industry pays in income tax and that type of thing, I don't understand why we want to put small farmers out of business. You know, our Governor, who was just newly elected, wanted those small farms, and that's what got him elected. Now, he's going to put this industry out of business. It's hard to believe."

Eddie Ray Borkholder said, "We have proof the leader of the DNR is not being uprighteous, is not giving the truth. All in the state in the end is a lie if we have a leader that is not giving the truth. I suggest you look into that. Read the Ten Commandments and walk forward. I believe the uprighteous means straight-ahead. Let's forget this fighting. I'm not a fighter. I want this board, whoever it's going to take, to come and visit these ranches." Before the board puts this on paper, it should know "what it's talking about. This is serious. This is my livelihood. For 23 years, it's no fun battling this. Please get a grip. Be uprighteous. Be truthful. Let's get this done and righted and use common sense."

Borkholder provided the hearing officer with his IRS Schedule F (2004) for farm income. On the form he highlighted in green that he earned \$321,680 gross income from the sale of livestock, produce, grains, and other products". From this income, he highlighted that he owed \$9,944 in taxes. Borkholder also highlighted that he and Diane L. Borkholder owed a total of \$17,286. For 2003, he highlighted sales of livestock or other items bought for resale in the amount of \$185,000 and farm taxes of \$10,228. For 2003, Borkholder highlighted sales of livestock or other items bought for resale in the amount of \$253,492 and taxes of \$29,115. He also added the written statement: "I'm opposed to this bill."

Mark Borkholder said that seven years ago "a DNR officer stepped into my pens. We started talking about hunting ranches. I asked him what the rules were, how big they had to be. He told me if the deer has enough room to fall down and die, he dies legal. I don't think anybody in here would call that common sense. Back then it was not an issue. Today it is a big issue. Is it because we're making money? That's just a question I have."

Borkholder also provided the following written statement: “I am for high fence hunting. Let’s get educated on canned hunts and see if it’s a bad thing.”

George Seketa said he was a retired environmental biologist. He said he supported the rule proposal and, in fact, would like to see it made stronger.

Chuck Bauer is the Chairman of the Fish and Wildlife Committee of the Indiana Division of the Izaak Walton League of America. He provided an oral statement in which he said “I strongly support this rule”, and he memorialized the statement with written correspondence:

I represent the Indiana Division of the Izaak Walton League of America. I was also on the Cervid Council and am a member of the State Fish and Wildlife Conservation Committee.

We support the proposed rule to ban High Fenced Shooting Preserves. We feel High Fenced Shooting is unethical, unsportsman-like, non-fair chase and reflects badly on ethical hunters and all Indiana residents.

This industry is under scrutiny in many other states and countries. Legislation is being pursued or enacted in numerous locations to restrict or ban these High Fence operations.

There have been “Bellar-like” practices resulting in criminal convictions in Wisconsin, Pennsylvania, Iowa, Michigan, and Minnesota. This industry is notorious for illegal activity.

Highlights:

- Pennsylvania—2,300 criminal charges on a white tail deer and hunting operation
- Iowa—Guilty Plea in Deer Fraud: false records for interstate sales resulting in 5 months in prison, \$10,000 fine, \$10,000 restitution
- Michigan—Guilty plea: unregistered 10 acre captive facility selling elk, state owned wild deer and exotics hunts
- Wisconsin—48 individuals charged with state and federal violations; commercialization of Wisconsin Natural Resources; guided hunts over bait without licenses; illegal rifles in shotgun-only seasons.

This is an industry that should be banned.

Bauer attached 53 pages of internet documents pertaining to the subject of his oral and written statement. These are available for review in the record for this rule adoption.

Roy Coblentz said, “We have hunting preserves. Just from one bad apple, don’t judge the rest. People come in there to hunt, and we can retrieve what they wound.... If we get a license inside to hunt or outside to hunt, what’s the difference? 99% come from out of state. They don’t have a place to hunt. Don’t they want the money? I’m opposed to the bill.”

Wayne Fulford said the DNR recently hired a person at Potato Creek with a high-powered rifle to shoot deer over feeding stations “which is both illegal. I oppose the bill.”

Ben Waldbeser of Milford said, “I oppose this bill. I’ve been a farmer for over 40, and I’ve raised a lot of livestock. Hogs now. You talk about ethics. They kill hogs and livestock in a certain manner, but I’m sure everybody in this room probably goes to the store and buys a steak or pork chop or something. These animals have no choice. We raise them. They get on the truck. They go to packers. There’s only one way out of that plant, and that’s in a package. In these hunting preserves, these deer they’ve got a fair chase in there. Fifty acres. You walk 50 acres open, or a 50-acre enclosure, you might walk right past this deer.... These animals can be taken humanely in enclosures. The DNR will prosecute a person if he has done something wrong or if he suspects it. This fellow will get more than a fellow who will go out and murder somebody or rape somebody. The system will spend millions of dollars to prove this fellow guilty. I just don’t understand their thinking and why they want to shut the revenue off.”

Kenneth McIntosh stated, "I own a hunting preserve. I am totally opposed to this bill. First of all, I'd like to say it's an illegal taking by the Government. The way things were done. One of the things I see in the paper is that a full investigation was done. How full can it be when the man in charge makes the decision hasn't visited one? How full can it be when... [there] hasn't been a meeting of the farmers to discuss the situation? I'd like to know what happened to the 19 meetings? It got abolished in five meetings. The other thing I'd like to know is I look around this room and I hear people say I'm opposed or I'm for it. I recognize 90% of these faces that have been on my hunting preserve. They know what they're talking about. The emails that have come in. I've had them sent to me. I've read each and every one of them—1,426. Of the opposed, I don't think there's a ½ % that have been to a deer farm. When look at the ones that are for it, they've been to one. They know what they're talking about. They know what's going on. Have we even bothered to read those emails before we make decisions?" McIntosh continued, "This is a little hunch I've got. It says 'for propagation only'. I went to the agricultural books" and they consider propagation and harvest together. He said he also went to "one of the fish and game areas. The average deer on my place is three and five years old when it's harvested. There was 61 deer taken at Tri County Fish and Game. One was three years old, three were two years old..., 15 were one year old, and the rest were six-month old takings."

Denise Roth said she not opposed to fair-chase hunting but was opposed to captive hunting. She supported the proposed rule amendments.

Gwen Chaney stated she was interested in hearing both sides of the argument. "I'm also interested in less control of the Government over us." She said she was "learning from everything that people are sharing with us."

Pat Saunders of Indianapolis said she supported the proposed rules.

Dennis Trice of Elwood said he supported the proposed rules "because I believe in the fair chase."

Jerry L. Bell said, "It confounds me how the Indiana Deer Hunters Association could oppose" high-fence deer hunting "when we're in the same" viewpoint of enjoying the ability to pursue high-quality animals. He reflected on comments from the Izaak Walton League concerning criminal violations for poaching in other states and noting poaching occurs outside of hunting preserves as well as inside. "I served my country, and I returned. Some of my friends weren't as fortunate as myself. That we might have the right to be free and to pursue a livelihood." He said his wife was gravely ill with cancer, and "I invested a half-million dollars in my deer operation and my farm trying to have a future. Unless God works a miracle, my wife doesn't have much future, but she still loves me and would like to see me and my family, her children, have a future. So I hope the DNR won't take that away from us. Because I don't believe that's what this country was founded on. We were founded on free enterprise and the right in the pursuit of happiness to what God has given. I don't think the DNR or any other government entity should be able to take that away from us.... The deer have a longer life in our environment than they do out in the wild so they have a much better chance. It's safer for hunters in our environment than it is out in the wild. I've been out there in Morgan Monroe when it was like a war zone. It got where I wouldn't even take my children down there because it's unsafe to go into that environment. Shot deer lost in the wild are eaten while still alive by coyotes. That doesn't happen in a deer hunting preserve. Again, deer hunting in a preserve is safer and more humane.... More lives are lost, by far, by deer running out in front of cars than in hunting preserves.... Someone mentioned pay lakes, those fish were taken from a free environment, or where they were raised, and they are caught and sold for money. For 'put and take', those are raised in a controlled environment, and they're sold the same way as deer. And, yet, that's allowed. I don't even think you have to have a license to do that. It has been mentioned about the state has high-fenced hunting areas at Fort Benjamin Harrison. People walk around there all the time. They feed the deer crackers, and you'll never find a deer in our preserve that will be near as tame as those deer in those areas. And then you talk about inhumane. My deer farm is much more humane than feed lots where animals never have a chance to enjoy what my deer have. They have clover. They have water. They have everything they need. They're cared for. My son raises chickens in Arkansas for Tyson. He has 75,000 chickens in a controlled environment. They never see the light. They never taste a blade of grass, and yet it's a very viable part of the economy

and I'm not opposed to that. Turkey farms are the same way. Our deer are monitored and much less likely to bring disease than wild deer, which has already been mentioned. Again, I supported our Governor. I support him very strongly because he said he was going to bring free enterprise to the State of Indiana. I've called the Governor and said you're going to put me out of business. And he said, 'Well, if the legislature will put through proper legislation, I'm not opposed to it.' So that's what we'll do. We'll get legislation through that will correct this, but I do think the DNR, I don't know why they made this rule. It really baffles me. I'm opposed to this ruling, and I'm for deer farming and the high-fenced hunting."

Bell supplemented his oral remarks with written comments:

I am opposed to the DNR ruling to outlaw high fenced hunting and restriction (not opposed to legitimate guidelines) of deer farm enterprises.

I support & respect the right of others to hunt outside preserves and think we should have the right to operate our deer farms and the pursuit of happiness as granted by our forefathers in the constitution.

Thank you for this opportunity to share. Please don't take action that will destroy my family's livelihood. I wish you and your families the best and hope you will do the same for me and my family.

Jonathan Bell stated, "I'm opposed to this bill. I don't understand why the state cannot call its areas canned but can call our hunting preserves canned. Just how big does a fence have to be before it's considered a high-fence enclosure? They have areas within their outside fence that are even smaller areas.... If my family and I went out of business, in the future the way we live will be reflected, and how are kids will live will be effected based on us being put out of business, really by this Administration that's in office." He added in a written note that he was "opposed to LSA #05-261.

Lamar Borkholder said, "I am opposed to this bill. I guess I have more questions than answers. Back in 1993, we was a 60-acre farm hog set-up. We do not go to the pot. We do not sponge off the government. We weren't going to contract these hogs and get benefits. We do not contract our land. We get what we get from our work. We don't get the government checks. We've got to do something to make a living. I talked to my wife about this. We checked into the deer industry, and it looked decent. I called the DNR. There's probably some people sitting right here that was in that position on that day. They said they will send a man out who will answer my questions like I asked them, the truth. Terry Hyndman was the man that came out. I fell in love with the man instantly. He is an honest man in my opinion. I don't know. He might even be here. We went over this. He highly encouraged me to do what I was planning on doing." Borkholder asked what would happen if he acquired deer as livestock. "He said as long as it's legal to shoot on the outside it's legal on the inside as long as you've got permission from the landowner and a hunting license in your hands. With that in mind, we went forward and spent some hard-earned money. These same people, how many years later, why? These are the same deer. We would have not went into this business if we'd have knew what we know today. I really think you should take an inventory of the DNR. What is in their minds? What are they doing? Is this a cult? I need to know. Why don't I hunt in state parks? Because I don't think it's ethical for me. I'm a hunter. I'm a hard hunter. I hunt in the woods. I've got property to hunt. I do not hunt in state parks. I don't think it's fair chase." He added, "I decide. This is America. That's why I don't go on the St. Joe River when they release them trout half a mile down the stream and catch them. It's not ethical to me. That's why I don't do it. Why can't I decide if I want to hunt in the hunting preserves? I decide the same thing. Why can't the other person decide that? The market will be itself. If I don't like Reece's Peanut Butter Cups, I ain't going to buy them. They'll go out of business. It's just I need some answers. I need answers." He continued, "I've donated a lot of time to the DNR.... I do a lot of things for them. You know, I don't know. I really don't know. This does not make any sense to a guy. To me, it's like this. I tell my boy he can do something. When he gets into this and does exactly what I tell him to do, then I punish him. Will he have respect for me as a dad, as a father? What will he think of me? He will not have no respect for me. My kids go to school, and they come home. They said, 'Dad, is it true you're illegal?' They said, 'The kids at school say we're illegal.' Kyle Hupfer wrote an article in the paper. It was his thought this was what he wanted. It was not a law but that's the way he intended for people to think. I can say in my close to 50 years on this earth, I have never ever been harassed by anything more than the DNR. Total harassment. People come to me and they say, 'Is it true?'"

I work in a place. I'm an electrician. They say, 'Is it true that you guys are all breaking the law?' I said, well, I didn't know how to answer this. I said, 'The DNR was there and the Board of Animal Health was there just all in the last month. They all said job well done. You are doing real fine. You're doing right.' I tell the kids, 'Let's look at it this way. Last night I was out poaching. I had a spotlight, and I shot a deer.' I said, 'Kyle Hupfer caught me. He said, "I'll give you one year to fix that."' 'Oh,' I said, 'Now it makes sense.' Why would you, if now I'm illegal, give a guy a year to do it? We need answers. We need answers. I was drug into this, but I really don't need the stones that you're hurling on my head. Thank you." Borkholder also provided a note on which he wrote, "I am opposed to this Rule LSA #05-261."

Jerry Wheeler spoke next. "I am Vice President of the Indiana Wildlife Federation. The Indiana Wildlife Federation strongly supports the proposed amendment of the DNR rule that will end the practice of hunting white-tailed deer and exotic species behind high fences. On behalf of the 42 local conservation clubs that are affiliated with the members, and the over 1,000 individual IWF members across the State of Indiana, I'd like to thank Kyle Hupfer for the firm stand against the shooting of wild animals within enclosures. The Indiana Wildlife Federation is concerned deeply about the threat of chronic wasting disease being spread by the transportation of deer from out of state and also the transportation of deer between farms within the state. I have with me the signatures of 652 residents of Indiana who have signed the following statement. I'll just read what they've signed: 'YES! I support a permanent BAN on "canned hunting" in Indiana. High fenced shoot of deer and exotic animals is unethical, diminishes the public image of hunting, and increases the threat of disease to our native wild deer.' Wheeler provided the signed documents to the hearing officer, and then he continued. "I also want to say that, during the Boat, Sport and Travel Show that was going on the last nine days at the Fair Grounds, working the booth there for our organization, I spoke with literally hundreds of people, as they came through. Just walking by. Of those hundreds of people, I didn't get not one who was in favor of high fence hunting. Not a single one. I want to tell you that those people there, the signatures you have here, are really indicative of the feelings of people across our state. People don't find high-fenced hunting to be unethical, they find it a shame. In conclusion, I just want to say that the Indiana conservation clubs were founded for the reintroduction of wild deer in Indiana, after their near extinction. The conservation club members affiliated with the IWF support fair-chase hunting and want to keep Indiana's wild deer wild. The IWF traces its roots back to 1938 and has partnered with the DNR for the reintroduction of many species into the State of Indiana. In order to provide continued protection for Indiana's wildlife, the IWF strongly supports DNR rules to stop hunting of exotic species in Indiana."

Glenn Lange is a wildlife biologist by education and training. He said, "I am here today to represent the Indiana Chapter of the Wildlife Society. The Wildlife Society is a national organization that has 50 state affiliates. The Wildlife Society represents the scientific community of wildlife biologists and ecologists that are responsible for providing the scientific knowledge necessary to manage our wildlife areas. On behalf of that group, we would like to support the Department of Natural Resources and its administrative rule proposal. We not only think that the hunting of cervids behind wires is an unethical situation, but we think it's a scientifically poor way to manage wildlife in this country. We're particularly concerned about chronic wasting disease. Despite what's in front of you that has been said and heard today about some of the rumors about how it got started, how it was transmitted, most of that is not true. I'll base my comments on the research and the opinions of the wildlife management experts that's based on what has occurred in Indiana, as well as across the country. We believe that movement of cervids from one place to another, including carcasses from hunter-shot cervids, is a serious risk to white-tailed deer populations and other cervids. Chronic wasting disease is an infectious neurological disease of cervids, which includes deer, elk and moose. Infection always leads to death. There is currently no available vaccine or treatment. CWD is both transmissible and infectious. Environmental transmission is also possible as the infectious agent is extremely resistant to environmental factors. As yet, no habitat or holding pen has been successfully decontaminated. Moving infected animals or carcasses from place to place is the most likely transmission method of new outbreaks of the disease. Concentrating animals in pens or by artificial impeding increases the likelihood of disease transmission. The movement of live animals is one of the greatest risks currently in spreading the disease into new areas. At last report, nine states and two Canadian provinces have had CWD in captive deer and elk or 23 herds in all. CWD appears to be spreading, with the states of West Virginia and New York added to the list of infected states in 2005." Lange added, "Wildlife disease experts have concluded that CWD will not naturally burn itself out once it has been entered in an area."

CWD will most likely increase distribution without management intervention. Long incubation periods and subtle early clinical signs, the absence of a reliable diagnostic test, extremely resistant infection agents, and possible environmental contamination, and, as yet, incomplete understanding of transmission, makes controlling CWD, once it has been introduced, very difficult or impossible. In captive situations, management options currently are limited to quarantine or depopulation of infected herds. Infected captive herds, in all probability, lead to infected free-ranging deer in the vicinity of the infected game farms. Depopulation of infected herds does not eradicate CWD once it's there in the area, and the infectious agent remains in the environment for years to come. Managing CWD in free-ranging animals presents even greater challenges. Currently, wildlife agencies are conducting long-term surveillance programs, and we did do them in Indiana, by the way." Lange continued, "As yet, no one has been able to eradicate the disease from any game farm or free-ranging cervid population. The jury is still out on whether or not deer reduction programs will reduce the spread of CWD. In conclusion, ongoing surveillance, research, and culling programs are expensive and divert scarce wildlife management dollars from other needs. Deer populations may have to be drastically reduced before we can control the disease. To date, even such measures have not stopped the spread of the disease. The State of Wisconsin has spent more than \$20,000,000 of sportsmen's license revenues in an attempt to prevent the disease from spreading in the southern part of the state where CWD is prevalent in a 126-square-mile area. Their control strategy calls for deer populations to be reduced by as much as 90%. The best way to keep CWD out of Indiana is simply don't move it here. These activities that we're talking about today in this rule are a serious threat to white-tailed deer populations in Indiana. The administrative and scientific community supports this rule."

Jack Corpuz spoke as a member of the Fair Chase Alliance. He provided overviews of several opinion editorials from Indiana newspapers "opposing canned hunting." These were presented to the hearing officer. They are available for review in the record for this rule adoption.

He also provided the following written statement:

My name is Jack Corpuz and I belong to several outdoor organizations—Quail Unlimited, National Wildlife Federation, Pheasants Forever, Woodcock Limited, Ducks Unlimited, etc. I've traveled across the United States and Canada and fished and hunted here there. Even did a photo safari recently to Africa. I like the outdoors. However, you shouldn't confuse me with a member of PETA or USUS as I have been a hunter all my life. I am a life member of the NRA and an ex-Marine.

History often repeats itself. If we don't learn from history, we are told, we are destined to repeat those same mistakes. Over 100 years ago, Teddy Roosevelt and his friends fought to end the commercial hunting of wildlife in our country. Sportsmen everywhere recognize the importance of the actions and deeds of the movement that Roosevelt started so long [ago]. Today we are faced with a new commercial use of wild game. Have you ever wondered where these captive cervids came from? Did they suddenly spring forth in a pristine game from in Amish country? I think not. They were captured from the wild and raised to become livestock for businessmen to use to line their pockets plain and simple.

Roosevelt and his friends ended the slaughter that had caused the demise of the passenger pigeon and the near extinction of the American Bison. In Indiana today we have a large healthy herd of whitetail deer. Our harvest in the last few year5s has exceeded 100,000 animals, and the DNR has asked hunters to take even more. Why do we even need the 10-15 high fence facilities in our state? We have plenty of deer. We have many trophies taken each year. It does take some effort to do it and our fact paced world may not allow some to put forth that efforts. Or as Roosevelt said 100 years ago:

"The rich...who are content to buy what they have not the skill to get by their own exertions, these are the real enemies of game...."

Dick Mercier of the Indiana Sportsman's Roundtable, Inc. said, "We support the Indiana administrative rule change to eliminate canned hunting. I do this for an organization based on a poll we did a while back in which well over 99% of our members opposed the canned hunting. One of the reasons for doing this is the fact that there is not fair chase. Fair chase, in part, is defined as" the pursuit of "free-ranging wild animals. In canned hunting, these are not free ranging."

Mercier also provided a written statement:

Fair Chase as outlined in our Indiana Hunter Education Course chapter titled “Be A Responsible and Ethical Hunter” (Chapter 7, page 65 of the under ed. text).

“Hunting laws also define the rules of fair chase. The concept began in the Middle Ages, when hunters increased the challenge of sport hunting by setting rules that limited how they took game.

More recently, fair chase rules were developed to stem public criticism of hunters. One of the earliest models was the ‘Fair Chase Principle’ established in the 1800s by the Boone and Crockett Club, which was founded by Theodore Roosevelt. Those who violated club rules were expelled.

The rules were later expanded, banning the use of vehicles, airplanes, radios, electronic calling, or shooting in a fenced enclosure. Many states have adopted these principles as natural resource laws.

“FAIR CHASE, as defined by the Boone and Crockett Club, is the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging* wild, North American big game animal in a manner that does not give the hunter an improper advantage over such animals.

*Boone and Crockett defines FREE-RANGIN as any North American big game animal that is unrestricted within its biological home range, has adequate cover, and a reasonable opportunity to elude the hunter.

John Goss, Director of the Indiana Wildlife Federation, said he “wanted to speak just briefly on behalf of the Fair Chase Hunting Alliance. This is a coalition of the Indiana Bowhunters Association, the Indiana Deer Hunters Association, the Indiana Division of the Izaak Walton League, the Pheasants Forever of Indiana, the Sportsmens Roundtable of Indiana, the Indiana Chapter of the Wildlife Society, and the Indiana Wildlife Federation. This is a majority of the leading conservation and sporting organizations in Indiana. The Alliance supports the DNR rule that would permanently ban shooting Indiana white-tailed deer and elk in high-fenced enclosures. I would just like to make a couple of points. There have been efforts in the past five years, since 1999, to pass legislation that would recognize shooting behind high fences. I served during that time for three years as the DNR Director. The DNR has steadfastly told licensed game breeders of white-tailed deer that they could not be sold for hunting. That has been the system.” Goss added, “Fifteen states have completely prohibited the shooting behind high fences, and another eight states are proposing to prohibit or further restrict or to no longer issue new permits for a shooting facility. There are plentiful free-roaming deer in Indiana. Fair-chase hunting is very important for the sportsmen of Indiana and to the conservation groups of Indiana. \$168,000,000 is generated each year for the Indiana economy for deer hunting. This is at risk because of chronic wasting disease. The disease problem has been discussed earlier. We’re putting this up against about a dozen shooting facilities that would like to be legalized. They have never been legal. They are not legal today. We’re asking that the DNR permanently make them non-legal in Indiana.”

Goss also provided a written statement for the Indiana Wildlife Federation entitled “The Facts about Canned Hunting”:

- HB 1349 would legalize this industries’ bottom line motivation: the guaranteed kill of a captive reared trophy deer inside an escape proof pen for huge sums of money.
 - There have been bills introduced and not passed since 1999 to force DNR to recognize shooting behind high fences.
 - The DNR has steadfastly told licensed game breeders of white-tailed deer that they could not be sold for hunting.
- Why do canned hunting proponents want new legislation to set up a new license—because the selling of white-tailed deer is now and always has been illegal!! The selling of white-tailed deer for hunting has always been illegal in Indiana. Any “business” offering this product has been committing felony violations of Indiana law.

- Fifteen (15) states now completely prohibit the shooting of big game behind high fences and another 8 states are proposing to prohibit, further restrict or no longer issue new permits for shooting facilities. Canned hunting is not and expanding and viable industry.
- Canned hunting and Chronic Wasting Disease (CWD) is a form of mad cow disease and is a major threat to Indiana's fair chase deer hunting industry.
- CWD is spreading and canned hunting are the most likely cause, 73 captive herds across the country and counting. That is no accident and free roaming deer did not infect captive deer! Consult any wildlife management or research professional.
- Plentiful free roaming deer and fair chase hunting in Indiana generates more than \$168 million of economic activity and supports thousands of jobs—there are only a few canned hunting operators.
- All of the major newspapers in Indiana have taken editorial stands against canned hunting.
- Despite how some might sugar coat or disguise canned hunting, shooting domesticated deer within a fenced enclosure, is like shooting livestock.
- Under most circumstances, Board of Animal Health regulations do not allow livestock to be shot in a pasture using regular hunting methods and put that meat into the human food chain.
- Dog and cock fighting are illegal; shouldn't shooting domesticated deer in a pen?
- Most Hoosiers are opposed to allowing canned hunting of any type (68% in the latest survey). Talk to your constituents, a majority will tell you the same thing.
- Most Indiana deer hunters are opposed to allowing deer and elk to be hunted within fenced enclosures.
- Most national conservation and hunting organizations are opposed to canned hunting of any type
- The majority of the manufacturers of hunting firearms and other equipment are opposed to canned hunting. Go to www.huntfairchase.com to see for yourself.

In additional written comments, he summarized: "The Alliance supports the DNR rule that would permanently ban shooting Indiana whitetail deer in high fenced enclosures."

Phil Ohmit spoke on behalf "of the Indiana Bow Hunters and the Indiana Deer Hunters. We are in full support of the promulgation of this rule. The one thing that I have heard today, and I heard it at a legislative hearing, that you didn't know that you couldn't hunt deer under a game breeders license. I am a retired executive officer for the Law Enforcement Division. I retired in 1995. A fellow called me back in probably '93 or '94.... He was told at that time, under a game breeders license, it says what you can do and what you can't do, and you cannot hunt deer under a game breeders license. The person that followed me as executive officer was Jeffery Wells." He said the same individual contacted Wells, and Wells confirmed that under IC 14-22-20, game mammals can be possessed, bought, or sold for propagation purposes, only. "A game breeders license does not authorize the license holder to hunt protected, including white-tailed deer, under this license. White-tailed deer possessed under a game breeders license may only be sold for breeder purposes. So, when you keep hearing this, that nobody has been told, I know they have." Ohmit continued. "At the present time, there's 900 Indiana hunter education instructors in the State of Indiana. This program teaches many things. One of the things under firearms safety it does teach hunter ethics. Now, these volunteer instructors don't get paid a cent. They've trained 350,000 students in the State of Indiana in the fair chase, fair chase, fair chase. Canned hunting flies in the face, it's an insult to these hunter education instructors."

Matt Hopper, former Deputy Director at DNR and a member of the Alliance for Fair Chase, submitted the Alliance's analysis of the proposed rule. He described the analysis orally then provided a written copy that provides in substantive part:

312 IAC 9-3-2:

(f) The hunting of white-tailed deer possess under the authority of a game breeder license pursuant to 312 IAC 9-10-4 is prohibited.

Comments: How does this prohibition apply to the killing or shooting of deer for other than hunting purposes? Since hunt means to take other than by trapping and the definition of take includes to kill or shoot, it seems that this would prohibit a game breeder licensee from dispatching a critically injured or diseased animal. Another legitimate scenario could include the need to “cull” or depopulate a herd. I would propose that only the licensed game breeder be permitted to kill or shoot WT deer under these circumstances. Any other killing or shooting of permitted deer must be consistent with established USDA humane slaughter guidelines.

This prohibition should also include **or offer to hunt**. Such added language would help to prohibit both ends of the transaction.

312 IAC 9-3-18.5

(a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals.

IDHA Comments: We believe that there is a conflict in that this rule would prohibit what is expressed authorized under IC 14-22-32-2? It seems the rule is effectively repealing the statute and we question whether that is authorized or consistent with IC 14-22-32-6. It allows exotic mammals other than those possessed under a shooting preserve license (none of which are permitted) to be hunted or offered for hunting. Does Indiana General Assembly need to enact a law?

In addition, a similar concern exists as outlined in comments regarding the proposed change to 312 IAC 9-3-2(f) above. We would suggest that only the lawful owner of an exotic mammal be authorized to kill or shoot an injured or diseased animal and that any other killing or shooting be done consistent with established USDA humane slaughter guidelines.

(7) Cervidae (elk, moose, caribou and other exotic deer).

Comments: Clearly, white-tailed deer are not exotic mammals under IC 14-8-2-87 as they are both “native to Indiana” and never documented as “extirpated from Indiana.” However, to avoid any potential confusion by unfamiliar legal scholars, we recommend that the Cervidae family read elk, moose, caribou and **all species of deer other than white-tailed deer**.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or by this article.

Comments: IC 14-22-2-6 doesn’t seem to provide the director the authority to adopt rules relative to the **possession** of exotic mammals. Can rules relative to the possession of exotic mammals be implemented absent this expressed statutory authority? Possession of wild animals is specifically covered in IC 14-22-6-1, but it does not include exotic mammals.

312 IAC 9-10-21

Comments: Same concerns as outlined above in proposed change 312 IAC 9-3-18.5(c).

Open Invitation to View Facilities: Immediately following adjournment of the meeting, two citizens requested the hearing officer to pass along an invitation, to the members of the Natural Resources Commission, to visit the game breeder facilities and the high-fenced hunting preserves.

B. Other Public Comments Before Close of Comment Period

Charles W. Stine wrote by email on December 30, 2005 from cwstine@bsu.edu

I thought I was for Highfenced hunting and you where the bad guys until I went to Ken McIntosh. It was the worse hunting trip I ever had. I took my dad because he is 69 year old cancer patient. To make it short, all ken did is lie to us. I hope he is shut down for good. Kyle is the good guy.

Doug Allman wrote for the Indiana Deer Hunters Association on November 4, 2005 in an email from dna75@skyenet.net

We request that under Sec. 21 (C) [of 312 IAC 9-10-21] that those cervidae species defined there in be required to be identified by at least three forms of identification of which two must be a permanent ear tag. One should be a smaller metal one and the other should be a larger fluorescent and highly visible one. These tags need to be unique in that they have a specific number and that the one can be read and identified from some distance. These numbers must be traceable back to the permittee who processes these captive animals.

This rule should be similar to that of which the state of West Virginia just enacted in response to confirmed CWD cases.

We also request that the fencing height be 10' instead of 8' as Pete Squibb ex Michigan biologist who represented the Indiana Deer Farmers at testimony before the CACC testified that these types of animal including whitetails can jump an 8' fence. Another option as suggested by the CACC was double 8' fences in a close proximity to prevent escape. Again one might look to West Virginia to see their new rules.

We further request these same measures be adopted for whitetail deer held under the gamebreeders permit.

We also request that the States "wild" deer held in such a matter that they are considered captive be abolished and those deer either have to be flushed from an enclosure or fencing needs to have openings so that the animals can come and go. In addressing this type of enclosure where the states deer are held captive, the landowner of such facility or others should be immediately prohibited from introducing cervidae be it privately owned or publicly owned into the facility. If this occurs then we increase the risk of disease transmission as well as cloud the issue of ownership of the animals.

Doug Allman, on behalf of the IDHA

Dave Delaney wrote in a November 9, 2005 email from DDelaney@ecomunity.com

I thought I'd provide a couple of additional comments. Since these operations are a business entity, to the extent possible, the statute should require certain defined insurance coverage that would provide the State of Indiana insurance coverage, as a rider to the individual operations coverage, for all costs related to environmental damage and related clean up costs in the event that the captive cervid herd were found to be carrying disease that would require intervention by the State of Indiana.

The statute should also specify rules regarding the disposition of cervid carcasses and waste in the event the cervids are held in enclosures that would require hauling and disposition of animal waste other than the "normal" process of decomposition.

Thank You

Kenneth M. Davis, wrote by regular mail on January 18, 2006 from Muncie, Indiana

I am enclosing a copy of your most recent letter regarding the issue of canned "hunting" which I have previously written you about expressing my views. I know you are busy and so am I, but I want to single out one particular sentence in your letter that I find morally reprehensible due in large part to the individuals in your position who have not had the courage to support, follow and uphold the laws of Indiana regarding the environment particularly regarding this issue. The sentence reads: **"We feel that it may be unfair to begin enforcing a law that many had been led to believe would not be enforced."**

Who are these “many” you refer to ? The citizens of Indiana? Or the few who make money out of the exploitation of animals? Or the few who patronize these people? Or the people who passed the law? If the latter why did they pass a law that they knew would not, or could not be enforced? And why didn’t you predecessors in the Department of Natural Resources not enforce this law as they are legally obligated to do?

All I can say is that if canned “hunting” is allowed to continue after March 14th I will hold responsible your office as well as the politicians who are in bed with the very few property owners who profit from this activity against the wishes of the majority of Hoosiers according to the editorial in today’s *Indianapolis Star*.

You suggest that I contact Linnea Petercheff to inform her of my views. I wish you to inform her of my views and save me time. Show her my letters to you and my representatives and she can learn of my views more thoroughly. Better yet, take my letters and the letters of all Hoosiers who have spoken up about this issue to your meeting. In particular, please show Ms. Petercheff my letter to Rep. Tyler a copy of which is enclosed. Best Wishes for a better environmental future.

Kevin M. Crupi wrote by email on January 30, 2006 from kcrupi@aol.com

I'm writing to thank the Indiana DNR for taking steps to end canned hunts in your state. The reprehensible and unsportsmanlike practice of penning, confining, or otherwise immobilizing animals so that so-called hunters can pay for a guaranteed kill is already illegal in Indiana, but several fenced preserves have continued their operations by exploiting a loophole in the state's law. I was happy to read the Indiana DNR is taking measures to close the loophole and put these shameful canned hunts out of business.

Tom Biniecki wrote by email on February 13, 2006 from tomb@pwrte.com

The proposed rule concerning game breeders license and hunting the same along with exotics is AGAINST all the ethics of fair chase. I am TOTALLY AGAINST any way, shape, or form of ANY “HIGH FENCE HUNTING” operation. I’ve written articles to the South Bend Tribune also to uphold my views on this SHAMEFUL act.

Charles A. Huffman wrote by email on February 13, 2006 from tony338@hrtc.net

Sir, I oppose the closing of the exotic preserves. This is a land owner rights issue more than anything else. Being handicapped I find that the preserves offer hunting that I am able to participate in. Do not close them.

Kris Geyer wrote by email on February 13, 2006 from shelbug@coolsky.com

Regarding the rule about white-tailed deer and exotic hunting. I do NOT support this rule. This is not a hunting issue . High fenced hunting (white-tail or exotics) has absolutely no effect on hunting and should not be governed as such . It is a business where animals are bought and sold and are killed . Not unlike the cattle industry.

I have hunted out of state preserves many times and have seen the money and jobs these businesses can generate. Why would we want to eliminate jobs, businesses and send money to other states? I don't think I will ever understand how the DNR can support the shooting of pen raised pheasants but not pen raised mammals. Did Disney's Bambi really have that much effect on our DNR?

Jim Bond wrote by email on February 13, 2006 from jcbond@verizon.net

I am 68 yrs. old and have been hunting white tailed deer a long time and I am in total agreement that deer shouldn't be hunted that come from a game breeder and I am against any fenced hunting of white-tailed deer. It's not natural or fair game.

Keith E. Schoettlin wrote by email on February 14, 2006 from kesmas@evansville.net

I fully support any changes that prohibit pen hunting.

Ginny Taylor wrote by email on February 14, 2006 from jdtaylor@isp.com

Kyle Hupfer, Director.

I would like to thank you for taking measures to end a most unsportsmanlike blood sport, that of "canned hunting." Please continue to close the loopholes that may exist in order to put all of these fenced preserves out of business permanently.

I am an individual who cares deeply about the welfare and wellness of animals; so I again, thank you for your efforts in this area. I ask that you please continue to do that which is right and protective for the animals.

Ron Newcomer wrote by regular mail on February 13, 2006 from Elkhart, Indiana

I read about the proposed youth hunt in the South Ben Tribune. I support the idea and hope that it comes to life. My 13 year old son is excited about the idea and hopes that it happens this year. We will continue to watch the tribune for updates.

Thom Maher wrote by email on February 16, 2006 from thom007@comcast.net

I am a Hoosier hunter and I am opposed to high fence hunting.

Frank and Linda Keeton wrote by email on February 17, 2006 from keetonelk@aol.com

I support high fenced hunting. Please do not close Indiana hunting preserves.

Matthew Valdivia wrote by email on February 17, 2006 from mowerman@mail.com

I am writing to object to the proposed rule change regarding captive-bred deer and exotics. I work for my state conservation agency, and I believe many states' economies (including my own) benefit from these types of state-regulated activities, not only through direct economic benefit, but through secondary revenue streams including additional sporting-goods sales, in addition to increased benefit to local restaurants, hotels, etc.

If these changes go into effect, these benefits will be redirected to other states when, forced by the new regulations, Indiana outfitters, licensed game breeders, and even resident sportsman, take their business outside of the state.

Please put the needs of Indiana sportsmen and business owners, and the benefits to the Indiana economy first.

Michael Personette wrote by email on February 15, 2006 from buckmounter@aol.com

As a dedicated and successful hunter I stand firm in my beliefs that White-tail Deer should not be farmed, or bred for hunting in Indiana. We already have a abundant and healthy herd, and ample opportunity exists to hunt this animal. However I do feel that other types of animals that are not native to Indiana should be allowed to be raised and bred for ranch hunts, if strict rules about ethics and space requirements can be met, with a strict policy of one violation and license to operate is revoked. However, each Ranch or breeder should pay a tax or annual license fee that specifically goes towards the hiring of additional DNR officers whose sole responsibility would be to monitor these establishments. For instance if there are 50 applications for 100 plus acre breeder farms then each should pay a 2500.00 license fee, this could easily fund 2 officers for enforcement of strict rules. Ranches would also be required to collect a non-native Indiana specie tax per hunter of 50.00 per animal taken, this could help fund other put and take hunts like the Pheasant, Trout or Turkey.

Jeff T. Valovich wrote by email on February 17, 2006 from jtv2485@yahoo.com

I urge the commision and The director to do away with these type of facilities. As a very avid Bowhunter I find this to be a disturbing and a un-neccessary practice, especially after the Bellar fiasco. Deer and other ungulates should be hunted only "Free range" or completely wild and un-fenced by high fences.

Stuart Hickerson wrote by regular mail on February 17, 2006 from Scipio, IN

I am very much against fenced deer hunting and the whole idea of hunting as an industry. I have hunted deer in Indiana every year since 1958.

Robert Sutton wrote by email on February 19, 2006 from rsuttoon@kconline.com

Do not allow hunting of captive, fenced deer.

Don Wages wrote by email on February 19, 2006 from donchris@direcway.com

Please do not shut down Game Preserves in Indiana, Game Preserve in Indiana is a viable tax paying business, with Proper regulation, is doable in Indiana. I'm a Game Farmer in Illinois my herd has been CWD monitored for 6 years, TB & Brucellius Accredited. I will not condone can hunting with proper size, woods & brush where animals can escape too is not caned. What Mr Bellar did was 100% wrong. (I thank you for cleaning up that mess) Just because a one person breaks the law does not mean all people are criminals.

Josh Hoffman wrote by email on February 19, 2006 from jhoff6017@msn.com

I am e-mailing to show my support for preserve hunting In Indiana. I'm sure with research and time the DNR will find that hunting preserves and deer farms are a viable business that ensures future monetary and tourist exchange within the state of Indiana. To shut down preserve hunting would limit potential commerce within the state. Presevere hunting and deer farming have much to offer Indiana and should not be shut down.

Brad Crite wrote by email on February 19, 2006 from crite@ccrtc.com

I ask that you support the hunting preserves in Indiana. This is a small business agricultural pursuit that many of us have built a future around and I feel it very unfair that the actions of a few in the business have resulted in a direct assumption that all of us in this business operate on the same principles. We have spent

allot of time and money building our business and have planned our futures around this pursuit, those that have operated unlawfully have had to pay the consequences for their actions and we fully support and stand behind the laws of this state. please consider the great loss that those of us that lawfully operate this business will sustain and the impact this will have on our families.

Greg Geise wrote by email on February 19, 2006 from boo111848@aol.com

NO CAPTIVE ANIMAL SHOULD BE HUNTED BEHIND FENCES WHETHER IT BE DEER, ELK, TURKEY, PHEASANT, OR ANY WILD ANIMAL. ALL HUNTING SHOULD BE DONE IN THEIR NATURAL ENVIROMENT!! NOT BEHIND FENCES (CANNED HUNTING)

Gaylen Carpenter wrote by email on February 19, 2006 from gicarp@butler-bremer.com

I support the hunting preserves in Indiana. I ask that you will also.

William E. LaVigne wrote by email on February 19, 2006 from woodnfish@msn.com

Please be advised that I support the effort to prohibit the "hunting" and killing of deer and other "exotics" held for supposed purposes of "Game Breeding". Please do everything in your power to stop this eyesore in our state! This type of activity only gives strength to those who oppose legitimate and necessary hunting of wild animals.

Sam Seybold wrote by email on February 19, 2006 from trigoth@hotmail.com

I support hunting preserves in IN. They are a boom for the economy! You should consider the future of hunting before banning them.

John Green wrote by email on February 20, 2006 from Deerfarm246@aol.com

I support the Indiana hunting preserves. Hunting is big business and preserves are a safe alternative to public hunting. If people are willing to pay why shouldn't they be allowed to harvest an animal in a safer controlled environment. Hunting in Africa is almost all done behind fences. This is not something new but it is a good chance for somebody to harvest the animal of their dreams and not have to worry about their safety as you would on public hunting grounds. I have deer hunted for over 30 years on public land and will continue to do so. I have however been shot at, had portable stands stole, and personally know a man who was shot and killed by another hunter. Someday I would like to try a hunting preserve to harvest a trophy which has eluded me in my 30 plus years on public grounds. I cannot think of one good reason why you should try to shut them down. Before you think of shutting them down do your research. Compare safety issues and also it can be a real challenge to harvest a trophy animal.

Scott Harris wrote by email on February 21, 2006 from bonecreekelkranch@hotmail.com

I am against all new changes of the DNR administrative rule changes proposed, they are a direct infringement on individual property rights. Indiana has world record deer and elk on private property that breeders have spent years and thousands of to dollar developing over the last 20 years. Now you want to ban them. I have been raising elk (which are classified as livestock in Indiana) for over 11 years and have never every had a problem that would affect or threaten Indiana wildlife. The changes are not need and will put elk/ deer farmers and hunting preserves out of business. There are hundreds of hunting preserves in Indiana that are hunting quail, pheasant and chukers, why not deer and elk? makes no sense. but I would not call harvesting deer and elk on hunting preserves and for that matter state parks should be

called hunting. We need deer / elk farms and preserves in Indiana depressed agriculture which is feeding all of the states deer.

Greg Spaulding wrote by email on February 21, 2006 from gspaulding@fele.com

Thank you for trying to clarify the regulations on captive deer herds. I am against canned hunts. I believe it is in the best interest of the State not to allow this type of so called hunting. With the spread of CWD, I believe that more needs to be done to insure the safety of the free range deer herds. Most of the articles that I have read, document CWD back to a captive herd. See Bowhunter magazine March/April 2006 issue as an example. I don't know the rules and regulations governing this type of farming. But I believe that more controls are needed to track the health of the deer that are being raised as a farm animal. If a sick animal happens to escape its pen and infects our free range deer - Is the deer farmer going to be held liable for the loss of deer, money lost to the state from the selling of deer licenses and any other expenses? CWD hurt the state of Wisconsin in hunting revenue, lets try to stop that from happening in Indiana.

Brad Thurston wrote by email on February 21, 2006 from thurstonbrad@yahoo.com

The attempt by the DNR to shut down deer farming and to regulate all mammals in IN must be stopped. The DNR does not have regulatory authority to do this and must not be given it.

Thurston also commented on February 27, 2006:

I have raised for 29 years and have run a 160 acre hunting ranch since 1992 with the blessing of the DNR. The proposed rule change is a power grab and would bankrupt many small farms. Please vote against it.

Kathleen Bauer wrote by regular mail on February 21, 2006 from Bristol, Indiana

I am deeply disturbed by efforts to override the DNR emergency rule ban on canned hunts in Indiana. Believe me, when animal welfare advocates, hunters, conservationists, newspaper editors and the DNR agree that an activity is unethical, it IS. Most Hoosiers who understand what is involved in these commercial enterprises are adamantly opposed to fenced hunting. Unfortunately, legislators do not listen, but are blinded by friendships AND large campaign contributions offered to them by deer and elk farmers. Comparing lists of game breeders (deer) and shooting preserve owners against a list of political contributions, one is struck by the substantial funds poured into legislative and administrative coffers. This is very discouraging to constituents and begs investigation.

Providing captive animals to be killed by "hunters" oblivious to "fair chase" is a lucrative business for preserve owners who charge thousands of dollars for the easy shot and guaranteed kill. Owners of small deer breeding farms, presuming to act under game breeder's permits, have been selling "shooter bucks" to game preserves. The sale of these socialized animals by game breeders for hunting purposes is ILLEGAL. Claiming their cervids as livestock, these small farm owners are now under the jurisdiction of BOAH and allowed to sell venison, urine, semen and other cervid by-products.

It is a fact that CWD has been spread through transportation of captive cervids. Indiana has become a high risk state for this fatal disease as it spreads to Wisconsin, Michigan and Illinois. Wisconsin has spent millions of dollars attempting to contain the disease with a vast impact on the state's wild herds. Will Indiana be next? Will our taxpayers assume costs for monitoring captive herds for disease and pay indemnities for animals destroyed? It simply should not happen.

There is no doubt in my mind that members of this commission have heard all the arguments against shooting preserves. You are all aware of atrocities discovered on the Bellar game preserve.

I ask that fenced hunting be BANNED immediately, not grandfathered and coddled through seven more years of barbarity. Game preserve owners have already been WELL compensated for any investments.

Mary Joan Plew and Robert D. Plew wrote by regular mail on February 21, 2006 from Pierceton, Indiana

We are opposed to fenced-in deer and elk shooting for the following reasons:

1. Safety. This operation is currently 35 yards from our back door.
2. Property Values. After living in our home for nearly 44 years we wonder who we could sell it to who would want to live next door to such a place.
3. Chronic Waste disease. It will cost the State of Indiana a lot of money to clean that mess when we get it here.

Rick Beach wrote by email on February 22, 2006 from BEACH_RICHARD_L@Lilly.com

DNR has no business controlling privately owned livestock and that I am against the administrative rule.

Jack Hyden wrote by email on February 22, 2006 from indianabeaglersalliance@yahoo.com

It has come to our attention that you are taking input from the public regarding IDNR's rule change proposal on Deer breeders permits. The Indiana Beagler's Alliance now represents all the sporting dog venues at the Fish and Wildlife's Conservation Committee. We also represent many other sporting groups in the state. It is the opinion of the members and supporters of Indiana Beagler's Alliance that we oppose any attempts by IDNR to close the deer hunting preserves by disallowing hunting with use of the Deer breeders permit. The permits specifically states that a copy of the permit must be on them while in pursuit of Deer. Indiana Beagler's Alliance asks that the NRC NOT advance the Deer Breeder's permit rule change proposal, and that in fact the proposal should be denied. The Alliance is very active in sportsmen's meetings and gatherings (annual meetings, field trials, hunt tests, night hunts, etc...) all across the state. and the opinion that is conveyed to us by the sportsmen is almost 90% in support of the Deer Hunting preserves. We hope that the NRC will refuse to advance IDNR's proposal to close Deer hunting preserves by changing the wording of the Deer Breeders permit.

Hyden commented further on February 27, 2006:

I attended the public comments meeting of the NRC on IDNR's administrative rule change on hunting by use of a Deer Breeders permit and several comments were either untrue or not based in fact at all.

One) Comment was made by John Goss of the Indiana Wildlife Federation that one of the groups opposed to Deer farming and Deer hunting preserves in Indiana was the Indiana branch of Pheasants Forever. I have an email from the state chairman of Pheasants Forever specifically stating that they have taken no stance opposing any type of hunting preserve, including Deer preserves, and that they in fact will not take a position opposing it.

Two) Dick Mercier of the Indiana Sportsman's Roundtable stood up and stated that they had taken a poll of their membership and 99% had voiced opposition to Deer farming and Deer hunting preserves. Fact is I was at the district meeting just a few months back when Mr. Mercier specifically stated his disappointment that only a handful of Roundtable membership had even bothered to respond and he noted that some of the ones that did respond had voice support for the Deer preserves in the state.

Three) Glen Lange stated that the State of Wisconsin had spent over 20 million dollars fighting CWD as is reason for opposing Deer hunting preserves. While he told me he knew that Wisconsin a few months back passed DNR and state legislation protecting the Deer hunting preserves, making them legal, and then going back just a few months ago and lowering the size of legal preserves to 80 acres and grandfathering in those operations already in existence that were not that large.

As I stated in the public meeting, I have traveled all over the state of Indiana over the last year and half attending Field Trials, Hunt Tests, Night Hunts and sportsman's groups Annual meetings. I have talked to literally thousands of Indiana sportsmen and the vast majority (over 90%) have expressed their support for the Deer farms and Deer hunting preserves now in operation. While concern that guidelines be in place to

insure a safe and healthy operation, there is resounding solid support for Deer farms and Deer preserves. Indiana Beaglers Alliance and its members, supporters, and several thousand individual sportsmen from all corners of Indiana ask that you deny IDNR this administrative rule and force them back to the table to make the compromise agreement that was supposed to materialize from the 5 open houses they held a few months back.

Jon Mulherin wrote by email on February 22, 2006 from Jon@CedarCreekWhitetails.com

The Indiana DNR is trying to close hunting preserves in the state. Please don't allow this to happen. How can they just close businesses on the whim of one individual, Kyle? These preserve owners have been told what they were doing is legal and they've spent a substantial amount of money, sweat, and time setting their operations up. Now they're being told they have to shut down. Even if given the seven years to recoup the money they've invested, this in no way is fair to them. There's no way for them to recoup the time and effort spent. There's no way for them to bring all the out-of-state hunters to Indiana to help our economy. Then there's the deer farmer, as I am. I'm a 70% Disabled American Veteran trying to make a living doing something I love and the DNR is trying to take away one of the few markets I have for my livestock. Is this what I served my country for? To have someone get into a public office way before his time to come in and take away any hope I have of making it in this business? I think not. The state should actually be promoting our businesses. If the DNR or any other government agency who really cared about the people of the state would take a step back and gather the data, they would be staggered to see the revenue generated by this business. I ask you to disregard the DNR's wishes on this matter. Put control of the deer farmers and preserve owners under Agriculture where we belong, and have Kyle focus his department's attention on stopping poachers instead of businesses.

Mulherin also wrote on February 27, 2006

I vehemently reject any attempt by Kyle Hupfer or the Indiana DNR to close any facet of the cervidae industry in Indiana. His proposed rule package should be given no further consideration. Please vote against the adoption of this and any other rule, law, legislation proposed by Kyle or the DNR which is detrimental to our industry.

David Dimmich wrote by email on February 22, 2006 from dimmichfarms@yahoo.com

The proposed rule to outlaw hunting preserves and preclude deer farmers from selling animals to hunting preserves here and else where represents a government taking of private property and defiance of eminent domain theories. Please vote against this dangerous attempt to bankrupt 230 law abiding cervid farms in our state.

Dimmich also wrote on February 25, 2006:

I would respectfully request that you deny the adoption of DNR Director Hupfer's Proposed Rule Language change. This is an eminent domain decision designed to ultimately close down 300 cervid farms in the state of Indiana. Thank you for your time and consideration in this matter which affects the livelihood of many hard working, tax paying citizens of our state.

Darren Chase wrote by email on February 22, 2006 from dtchase@wptc.us

I am writing this message because I am a concerned Indiana Sportsman. I am against the rule change that would take away our states deerbreeders permits and eliminate eliminate our states hunting preserves.

W. Crawfis wrote by email on February 22, 2006 from wcrawfis@onlyinternet.net

I just finished reading the summary of proposed changes to the rules governing white-tailed deer and exotic mammals. I would like to thank the DNR for their efforts on the subject and strongly encourage that the changes be made permanent as written.

These changes bring much needed oversight to animals held in captivity and shine a lot of light into the gray areas. Not only is "canned" hunting not ethical, it presents a serious threat to the health of the wild animal population. Disease in the wild animal population of Indiana is a risk that can not be ignored. I think the situation in Wisconsin with CWD is alone cause for these changes.

Remember this, the owners of the penned animals don't care about the health of the animals outside their fences. They are only interested in how much they can charge to hunt inside the fence. As the recent case involving Mr. Bellar highlighted, they don't even care if the animal being hunted is healthy, much less obeying existing Indiana law.

Thank you for your time. I apologize for not being able to attend in person.

Jim and Linda Collier wrote by email on February 22, 2006 from lindacollier@kconline.com

We are against high fenced deer hunting. The one that we have in our community is close to a half dozen homes. These homes were there long before the enclosed hunting preserve was. Our family lives right next to it and we fear for the safety of our kids and grandkids. Deer and Elk are killed for the heads only and the rest is put into an incinerator where the neighbors can see the heads cut off and smell the burning of these animals. The owner harrasses the homeowners about making too much noise and having too much outside activities. Some of these homes are within 100 to 200 foot range from the fence. Hunting these animals are unethical the way they are hunted down to where they cannot get away and then killed. This is certainly not true hunting.

Please put yourself in these neighbors situation and stop this kind of hunting. Thank you for your time.

Roger Wise wrote by email on February 22, 2006 from rewgreene@hotmail.com

I support the prohibiting of the so called penned, canned or whitetail deer and other exotic hunts by those holding the breeder's permits for these reasons.....

1. At least until we have learned more about CWD. At present we believe we do not have it in Indiana, and feel we should do everything to keep it that way. We just do not know enough about it yet to take a chance with it.
2. Those states trying to enforce the interstate movement who do have CWD present have not been successful at controlling it. I recall one western state who prohibited transport in and out, catching a breeder illegally transporting to another state infected animals from a known infected area, with illegal paperwork from a licensed vet. This after only one week of the initial prohibition of transportation.
3. While I feel sympathy for those breeder's who are trying to operate in an ethical manner, it is beyond my comprehension why they would allow a Russ Bellar type be THEIR SPOKESMAN or front mouthpiece. That guy has and will have again, a history of this type of flaunting of the law and ethics at anyone's expense and his gain. We simply do not have the resources to police and monitor individuals like him.
4. I would support giving those presently possessing permits for the ungulates an interim period to possess the current animals they have with proper monitoring on a "just in case" scenario. Do not want to see those who had honest desire to be ungulates "farmer or ranchers" harmed financially, but do think they need to step up to the plate to police their selves and adopt some kind of standards to insure some level of confidence in their integrity.

Ken McIntosh wrote by email on February 23, 2006 from kcmcintosh@kconline.com

Dear Natural resource commission, My name is Ken McIntosh and I am a preserve owner in the state of Indiana, I have been to every meeting I am allowed to be to for the last 4 years. And while I may not be the

sharpest tack in the box there are many things that I do not agree with and some that are just flat wrong no matter how you look at them. Getting to the point, I was all excited to write a 50 page letter to explain everything. However I now believe I can in a much shorter version explain enough that if this committee is for our natural resources and for the state of Indiana someone will contact me to ask me the preserve owner a few questions and maybe even let me ask if they are aware of things, you see this has yet to happen. Other than my 2 minutes at a public meetings.

What Kyle Hupfer is doing by changing the rules like he is, is based on emotions and untruths totally. There is no scientific evidence used and only half truths at best.(not that there is not facts to be seen and opportunities to use them)The fact of the matter being that many opportunities were passed in these efforts.

Let us first review what Kyle Hupfer has and has not done. The best way is to review what his statement to the press is, and the wild bulletin released the day of his announcement. First paragraph states that a thorough review of high fence hunting was done. Let me see, He had one appointment with the deer farmers association and preserve owners and cancelled it for a golf outing, never allowing this meeting to come during the whole investigations nor did he visit any of these sights. Everything that Kyle obtained was via someone else.

Second paragraph. He goes on to say that his staff review all articles, information and data they could find on the issue. This is false now if he said they reviewed all data information and articles they wanted to find this would be correct. Let me explain just a few of these. Kyle was informed that the Idefa board brought Joel Espe from Wisconsin in an expert and very knowledgeable person from Wisconsin and very familiar with this sort of thing after what their state went through and Joel even Gave him a card and asked him to call if he had any questions, he was ignored, The Idefa called numerous times to try to set a meeting with DNR Kyle denied these. Kyle was offered informational meeting from many sources and refused all that Idefa sent him while keeping close contact with other sources.

Next paragraph talks about the five meetings and the deducted e-mail list. Keeping in mind that Kyle did say that this was an information source and not a means of measurement in his investigation. The five meetings he always blends with the e-mails because he doesn't want to say at these when we have to come out and show our faces the people that were for high fence out numbered those opposed 3 to 1 or more. Now the e-mails this is interesting because in my notes after week three Kyle told us how there were so many against high fence hunting compared to those that said they were for it. After a breakdown of all e-mails it shows that the fors were well ahead of the opposed at that point. Either he cannot count or he was fibbing and knew something that none of the rest of us knew, let me explain at the point you break down all the e-mails it shows that Kyle and his staff are being less than truthful about those e-mails. If you will go through and break them down by name e-mail address and date and for or against in will indeed reveal that fowl play at best was the edge dry has in this. It will even show you that after the first 2 weeks they only had 25 people a-mail in and that is why Dick Mercier of the sportsman's round table was a-mailing and saying they were getting beat up to please a-mail in and also why Avon Waters of the Harold Bulletin on 6-28-05 quoted Charles O'Neil with the Indiana wildlife federation that "FOR WHAT EVER REASON THEY'RE NOT COMING OUT TO THESE MEETINGS' And also quoted Kyle saying that "these are to educate me" and then on the last meeting once he knew that only 31 opponents showed up he would only let someone say yes or no that was in opposition to what he had already stated. Mr. Espe traveled many hours to give Mr. Hupfer all this info "yes" is all he was allowed to say. That is not gathering information that is being wrong and mad as he was quoted as saying he expected 300 to 400 people in opposition on the last meeting. The list goes on for example some e-mails were sent to others within the DNR and transferred on and one employee received over 50 and somehow all were opposed the odds of that without fowl play are astronomical. Others retained the same percentage. Other things can be learned from these e-mails and I would be more than happy to explain if called these keep in mind are just a few of the things to think about before we put innocent people out of business.

I am not going to go on about his announcement at this point I believe we have the picture about what is going on.

However something else must be looked at , at this point. The supporters of having high fence hunting shut down and how they operate compared to most others sportsman's groups. The sportsman's groups as we know them. Let us start with The Deer hunters Association Why is that if you look for it on the web or in the phonebook in is not there. How does one join this group. At a meeting just three months ago Mr. Mercier was telling them how the roundtable had joined them to make appear as they are bigger. Must one join the round table to get into the Deer hunters? How do we do this. Google search show Doug Allman talking for them but no Indiana deer hunters association. Does this show what indiana deer hunters want or just a few that are chosen because once they know that you are for it you are lost as far as the round table is concerned and now how about the Bow hunters yes there is a web-site but you must be approved as a member does this include the same thoughts as The board or your not in again I ask why does the dnr choose such an association to represent the bow hunters in our state. Then the next. Mr. Goss and the wildlife federation, Here is a man that under his leadership the preserve owners where legal and we had to fallow rules and well now if you look at their web-site he says we are all felons and always have. I believe that Mr. Goss shows that either he is willing to give half truths to gain his personal agenda or he does not know what is going on at all. You see it has to be one or the other after what he said about Wisconsin at the last house natural resource meeting. Wis. It is a good thing that Mr. Keeton clarified for those present what really happened and that Wisconsin has legalized all hunting preserves after all that. And then you have to wonder why some of Kyles list of supporters has fallen, those that have gone out and looked for the truth have fallen from his list.

Why does Farm Bureau support deer farming and hunting because someone took them the truth, It also makes one wonder that if you go to the wildlife federation supporters why they are so short of getting their supporters to support this. These individuals will say or do anything to get their personnel agenda's filled. After the untruth and misrepresentation by them they should not be allowed anywhere they could possibly cost our state more money.

I believe that this group and Kyles announcement has loaded the guns for the humane society and that if this goes any further it will only cost our NATION more money than imaginable. Do not think that Kyle was not informed to what was going on in at least three e-mails delivered to me recently one individual told him that the humane society of the U.S. has been alerted to help and he knew that he was getting more e-mails from them as early as the third week of his investigation. Those e-mails also can be made available to you all in your decision making process.

In closing this letter I would like to say that I only hope that this is clear that my constitutional rights such as property rights and the Indiana right that nothing shall be taken away without just compensation are being broken on emotions and untruths and that this in no way is called freedom and why should one look to Indiana as a place to invest time or hard work if this was allowed to happen.

McIntosh commented further on February 27, 2006

To whom it may concern, Today marks the high light of the worst thing I have ever seen in my life, More than 50 people showed up at your meeting that poored their hearts out to their loves and thoughts of what is going on in Indiana dnr and then about a half dozen professionals stood up and lied threw their teeth to make things look as they are not. Today Dicck Mercier announced that 99% of his people are against this. This is not true and we can show you this, Then Mr. Goss stands up and announces the Pheasants Forever Indiana chapter is behind them this is not true nor are the many conservation groups that he reads off. Today marks the day of dishomesty at the highest of what is supposed to be our law and our protecters as outdoorsman. Mr. Glen Lang stands their tring to get peole to perceive things as they are not and when asked if he can change his maybe's and possiblies to positvely's he cannot. Somewhere or somehow the truth about this is going to come out. The people responceible for the tears shead will be held accountable and the people that remained truthful today will be rewarded. I see some humane society people laugh at truths and honesty. Today was a pitiful day, How have you people let things come to where peole in our law making buildings of the state feel so comfortable being so dishonest and still call themselves professionals.

McIntosh commented further on February 28, 2006

After many phone calls and E-mails not only today but days of past it is my duty to inform you that in yesterdays meetings as well as many reports of the past not only from people that were at the meeting but from Kyle Hupfer himself the sportsmens groups that have been used during this proceeding are being used either without their knowledge or against it. Mr. Hupher used many organizations when first rendering his announcement to ban canned hunting those names in his announcements have long since been gone as his 19 talking points have left him as well. The Indiana Pheasants Forever has assured me that they had told Jack Corpuz as well as they are going to inform Mr. Goss today that they in no way shape or form want involvement in this issue. The Bass Federation has told us that Dick Mercier contacted them and that they said absolutely no to being involved, The national wildlife federation said that all their supporters were behind this issue, that is far from the truth. I am sure that Mr. Hupher as well as many others are depending on your being to busy to investigate what they say, But at this point unless you do investigate we know that everyone has been told of all the false statements and to go any further with this knowledge would be far from upholding these peoples constitutional rights. I intent to hold this intire committee responsible for it's actions. I ask of you to interview Mr. Glen Lang and ask him to replace in his speech the words possibly and most likely to positively and to investigate what it says with the board of animal health. Let this letter be entered as it will be dated and timed to be included in this dissision

Roger Wise wrote by email on February 23, 2006 from rewgreene@hotmail.com

Just learned today that a Rep. David A. Wolkins, R-Winona Lake sponsored an amendment to the decision to shut down fenced-hunting operations for deer. According to my source the House narrowly approved the amendment that would shut down 50 private bird-hunting preserves. Mr. Wolkins supposedly stated it would be hypocritical to shut down deer hunt operations but allow the bird preserves to operate.

That may be his opinion, but my opinion he is stupid and is the real hypocrite. Why would anyone with a sane mind want to shut down a business that is preserving open space somewhat, providing those who wish to bird-hunt and to train dogs a place to do this, and who have an established record of business operations in the State of Indiana. I can guess why one would sponsor an amendment such as that, but since do not know Mr. Wolkins will refrain from that. As mentioned before, the Russ Bellar types have an established record in the State of Indiana also. The ungulate guys need to step up and clean their own ranks period.

Would like to go on record that I support the private bird preserve operators, and would even like to see the State of Indiana encourage even more of them. I hope the Wolkin's amendment does not kill the DNR's decision to ban the fenced deer hunting.

Deb Conner wrote by email on February 23, 2006 from bluewolf555@peoplepc.com

I am writing to voice my adamant opposition to allowing any form of canned hunts to operate in Indiana. An overwhelming majority of my fellow citizens share in my disdain of these "operations". Even hunters and various hunting organizations agree that there is no sport to killing an animal that cannot escape. Please don't give any "deals" to the unscrupulous individuals who operate these pathetic sites. I don't want ANY extensions to allow them to continue to breed, buy, or ship these cervids and exotics. Please do all you can to squash these operations. Thank you for your consideration on this issue.

Gary Doxtater (doxtgc@sbcglobal.net); Eric Ambler (eambler@indy.rr.com); Robert L and Jo Ann Groves (RGroves827@aol.com); Shorna Broussard (shornab@hotmail.com); Sharon Wiggins (swigginsin@mintel.net); Robert L. Johnson (aquaticbob@insightbb.com); John Trout (redrockhome@direcway.com); Fran Bowman (fran.bowman@sbcglobal.net); Scott Mote (ernest.s.mote@Cummins.com); Jerry W. Derringer (jerry.w.derringer@Cummins.com); Granville Hayworth (Granville.Hayworth@ArvinMeritor.com); Bill Bauer (william.b.bauserman@Cummins.com); Edward Braun (braunfam@kconline.com); John Collins (jwcollins937@hotmail.com); Robert Porter (raporter@fullnet.com); Jack Corpuz (jack.corpuz@sbcglobal.net); Richard Becraft, Sherman Becraft, Laura Becraft (BRWBecraft@aol.com); Walter Kosiak (Kozyyak@aol.com); Brian Allison (bcallison)

bcallison@insightbb.com); Robert Strong (indianabowhunter@mchsi.com); Donald Bickel (edgeoftheprairie@webtv.net); Ryan and Holly Downing (hrdowning@yahoo.com); Rick (rbeedle@tctc.com); Sean Murphy (sean.murf34@verizon.net); Kenneth T Konieczny II (KKoniecznyII@aol.com); Anthony Brooks (ders1_2000@yahoo.com); Wayne Faatz (jmarlar@joink.com); Tommy Smith (smith0311@tds.net); Tom Goeppner (goepp@fullnet.com); Damon Broady (dalanb@iquest.net); Nathan Yazel (nyazel@msn.com); Bob Hopkins (bhopkins1@verizon.net); Joe Doyle (doylejmd@aol.com); Glenn Lange (alange@comcast.net); James Spence (alamomayor@peoplepc.com); Sue Spence (alamomayor@peoplepc.com); Tim Meredith (trmeredith13@msn.com); Ginger Olson (ginger_lee88@hotmail.com); Dan and Rhonda Halcomb (rhonda@triangle.org); Herb Higgins (dizzy_higg@hotmail.com); Jameson Olson (recurveshooter@sbcglobal.net); Susan Hayworth (hayworth@epowerc.net); Angie Willoughby (anwillou@indiana.edu); Hayes, Tim (Tim.Hayes@cinergy.com); Bob and Nancy Stwalley (stwalleyfarms@wico.net); Julie Konieczny (MotherOfZBB@aol.com); William Bauserman (William.b.bauserman@Cummins.com).

I [We] would like to submit my brief comments for the hearing on the permanent rule to ban canned hunting. I [We] am in full support of the proposed rule as the DNR has written. Please consider my [our] comments as part of the Public Hearing Comment Process in support of the permanent and immediate ban of canned hunting.

Rich Short (RShort@LNC.com) joined in this statement and added the following supplemental comment:

I have been a Deer Hunter in the state of Indiana for almost fifteen years now and love the great outdoors. Canned hunting has no part in the state of Indiana. Hunting is supposed to be about sportsmanship and fair chase. Neither of these two valuable characteristics exists with canned hunting. Canned hunting is all about money and the person with the money that can afford to buy a rack will get one. Canned hunting can't even be considered hunting! Hunting is an American tradition that should not be tainted by greed and money. Every American should be on the same level and have the same opportunities when it comes to hunting. Please stop canned hunts now!

Janet Lidle, wrote by email on February 23, 2006 from exipale@hotmail.com

I absolutely oppose any "hunting" of captive wild animals, whether white-tail deer, other cervids, or exotics. This is not hunting by any stretch of the imagination. It is not fair chase. It is unethical and ought to be illegal in Indiana.

The operators of these establishments ought not to receive any extension which would permit them to continue breeding, raising, selling, and shipping animals for the purpose of having them killed by "clients."

Jon Marshall wrote by email on February 24, 2006 from jmarsha@sbcglobal.net

I support the DNR proposed rule to ban canned hunting as written. It is important for the sanctity of fair chase hunting, and to prevent spread of disease to wildlife, to immediately halt canned hunting in Indiana.

Lynn Jenkins wrote by email on February 24, 2006 from ljenks@tds.net

Please add my voice to the many who abhor the unethical practice of Canned Hunting. Not only do I believe that our Natural Resource belong to all of us, not just a privileged few, but I fear what this "industry" is bringing into our state: CWD! Let's stop this practice so we don't have to spend most of our NR money fighting the disease as they have to in states which have had outbreaks of the disease. The stress and high densities of deer, elk, and other captive animals create perfect breeding grounds for this deadly disease. The economic impact of the loss of legitimate hunting brought on by CWD would be devastating to Indiana's economy! I support a permanent ban on high fenced shooting of cervids and exotics.

Sue Gregg wrote by email on February 24, 2006 from thrivingone@sbcglobal.net

I would like to see a permanent ban placed on canned hunting. I believe our natural resources, including wildlife, belong to all the people - not a privileged few. I could never support the unethical killing of penned wildlife.

Cheryl K. Jensen wrote by email on February 24, 2006 from cjensen@butler.edu

I am a resident of Indiana and am not in favor of canned hunting. While I do recognize the right for hunting in Indiana, I am opposed to the concept of containing deer and wild animals in order for hunters to have easier access. Please convey my opposition to the Indiana legislators.

Steve and Jo Van Zant wrote by email on February from Steve_VanZant@BIO-RAD.COM

I wish to make a comment prior to the Public Hearing on changes to the Fish and Wildlife Rules. My wife and I do not support the unethical taking of penned deer or other exotic animals. We support the administrative rules which put a permanent ban on "canned hunting".

Chuck and Kathy Brinkman wrote by email on February 24, 2006 from (cbyak@yahoo.com)

We are absolutely against canned hunting. No exceptions, rule changes, etc.

There are way too many valuable conservation resources spending too much time on this disgusting issue. There are so many other topics that need support. One would think our legislators would feel the same way.

Paul Vice wrote by email on February 24, 2006 from paul.a.vice@Cummins.com

I am writing to present my views on canned hunting in Indiana. I am in full support of the proposed rule as the DNR has written. These facilities are a disgrace to ethical sportsmen and women across the state. There is absolutely no sport in shooting pen raised animals behind escape proof fences. Please consider my comments as part of the Public Hearing Comment Process in support of the permanent and immediate ban of canned hunting here in Indiana.

CeAnn Lambert wrote by email on February 24, 2006 from ceannicrc@yahoo.com

I am absolutely opposed to canned hunting in IN.

I am opposed to giving the canned hunt operators time to bail themselves out, because of bad business decisions they have made. They are coming to us with "unlean hands" and saying make me whole. Give me time to become clean. No, no, no. Killing animals for entertainment is wrong!! Killing animals confined to a pen is the wrong message to send to our children. A seventeen year old, walked up to one of my coyotes confined in a pen and shot its eye out. This kid thought he had the right to do that on my property.

Karin McKenna wrote by email on February 24, 2006 from mckennakarin@comcast.net

NO fenced hunting of cervids and exotics. No special grandfather deals without written plan for elimination of stock. NO CANNED HUNT FARMS IN INDIANA!!!

Terrance J Receveur wrote by email on February 24, 2006 from RECEVEUR_TERRANCE_J@Lilly.com

Please support the DNR ruling to ban all shooting of cervids and exotic mammals as presented. The reasons are obvious and I won't bore you with the details. However, I feel the two items noted below are worth reiterating.

- Canned Shooting is the greatest threat to our hunting heritage ever to materialize. It is basically guilty by association. The non-hunting public will not differentiate a "hunter" -vs- a "shooter" and will not support future hunting opportunities if it is associated with canned shooting. All public opinion surveys are dramatically against canned shooting. The non-hunting public will determine our future as hunters.
- CWD is a real and present danger. I have reams of information to support the notion that deer farms are the most likely means of introducing this dreaded disease into Indiana. I will be happy to forward upon request. Additionally, the uncertainty of the human health risks related to CWD are significant enough to prompt a very specific warning from the CDC. It would be negligent to knowingly allow an industry that could potentially endanger human health.

Thank you for your time and please do everything possible to eliminate canned shooting preserves in the state of Indiana.

Joann Davies wrote by email on February 24, 2006 from johnandjoann1@prodigy.net

This is to state my total opposition to canned hunting of any form in Indiana. How far do we go to accommodate such cruelty and lack of fair chase?

Bill Spencer wrote by email on February 24, 2006 from tallwind@comcast.net

America the free is becoming a real Joke. There is legislation in all of Indiana and nationally that threatens what small amounts of it we have left. The control and anti groups are wanting every thing and this anti cerviod bill is just another attempt to close well regulated and extensive business in Indiana. I fear it will also close Pheasant put and take hunting and Game bird farms. Should you not be aware, Indiana has no viable populations of wild birds that can be hunted and has few if any plans to reintroduce them after the blizzard of 1978. This new bill 0077 will effectively close all forms of hunting that require an animal to be planted for harvest. Thus it will become a removal of opportunity for all Hoosiers to partake of with NO replacement programs to provide for improved hunting opportunities. I am ashamed of this type of foolishness and the authors who proposed it. What will be will be, but I assure you that given time it will spread from hunting to driving and God forbid I will be told I will have to wear a seat belt! Or maybe I will have to license my car and wait years to get that done and then find I can drive it only to the hospital to deliver my pregnant wife for delivery and the return trip home. It doesn't matter that I am 75 years old and that my Wife passed bearing age 30 years ago! Think about what we do. It can happen. Freedom? We are to protect it not destroy it. Were George Washington here to see this kind of degenerative action. The commons would be full yet again. I would have loved to see his Face when told by an officer that he couldn't use his horse or carriage and that it was a privilege to own or use it! I think you would have been surprised at his response if you lived through it. Our Land has become a Sad world that foolishness has created. Let us Not become a part of further degradation of what we have left.

Saul Lemke wrote by email on February 24, 2006 from kamal20@bremc.net

This message is to inform you that I intensely oppose canned hunting. Please count my vote as against any and all canned hunts.

Chuck Bauer wrote by email on February 24, 2006 from wood_duck@hotmail.com

I fully support the DNR's proposed rule to stop High Fence Hunting in Indiana. Deer, Elk, and other exotic animals should remain under the jurisdiction of the IDNR and not be shot in inclosed areas.

Natalie B. Hefner (nkbhefner@hotmail.com); Chris Zigoivits (czig@comcast.net); Kathy Voigt (kathyvoigt@hotmail.com); Colleen Monson (colleenmonson@yahoo.com); Blair Dietrick (theatreup07@comcast.net); Erin Houghton (ehoughto@indiana.edu); Carissa Herold (sundog111@msn.com); Ryane Lightholder (Almostpurrfect18@aol.com); Deneen Diehl (deneendiehl@yahoo.com); Roxie Coryell (roxandkitties3@yahoo.com); Alexis Lanham (alexislanham@insightbb.com); Janine Taulman (jtaulman@yahoo.com); Pamela Fralish

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Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana.

Canned hunts involve the shooting of animals in a fenced enclosure for a fee. Canned hunt operators and deer farmers breed deer, elk, and other big game animals, hand rear the animals so they have no fear of people, and release them into a fenced enclosure to be shot and killed. Many hunters have criticized canned hunts for being unethical and the practice has been completely or partially banned in 19 states.

Persons shown immediately below (and terminating with a mark *****) joined with this statement and offered supplemental comments as individually attributed.

Barbara Timm (Barbarat@earthling.net)

Canned hunting cannot even be considered "sport". It is an excessively lazy, greedy, and unjustifiable practice.

Jane Tillison (tillisonfamily@msn.com)

How can anyone with a heart be so cold as to hand rear animals and then turn them out into such a disgusting act. We have to be the voices for animals as they are truly helpless against such practices.

Janet Hollis (rjselby@iquest.net)

This is a cruel and senseless non-sport, and in addition I am concerned about the risk of wasting disease. Do not allow a few individuals who have made big contributions to Gov. Daniels' campaign and programs to be exempt from the law on this matter.

Dale Johnson (djohns61@mchsi.com)

I have Hunted and Fished for years and can tell you that hunters/Fishermen that develop the skill to take game in Natural surroundings, not fenced, drugged or tamed would be embarrassed to Hunt/Fish an animal in the described Canned hunts. Please do not allow Canned Hunts. While Hunting has evolved to more than to just for Food it should never be allowed to become a shortcut for those that are too lazy to learn the skills it takes to take game in a Natural setting. If you allow canned hunts there will be those that expect the game brought to their front yard in their city, they shoot it with a bow and some one cook it for their Super bowl Party.

Charelene Duline (cduline@earthlink.net)

Real sportsmen wouldn't want to kill animals contained in a certain area. Real killers would. It might feel so good that humans could be next on their list! Is this something Indiana should encourage??

Cynthia Hodge (hdgc8@insightbb.com)

I am appalled at the senseless killing of these animals. Please react!

Mark Hodie (skicopmtn@aol.com)

Please help the animals! We need your help and support! Please!!

Irene Nawrocki (irkan@hotmail.com)

Personally, I think this is barbaric in the century we are living in!! Who are these idiots who want to feel macho in killing, these innocent, tamed animals anyways. They ought to be put in an enclosed fence and shot at themselves and let them get a little taste of their medicine! Shame on you all! God will judge you for what you do, and it seems "You know not what you do". Lets make Indiana proud and stop this!! Don't let people across the nation, point the finger at the state of Indiana and say, "What a bunch of gun toting, idiots in Indiana!... Stop this idiocy!!

Jacquelyn Cramer (j.s.cramer@att.net)

Please support the ban on canned hunts in our state. Join the 19 other states who have outlawed this cruel practice.

Steven Robison (srobison@hsonline.net)

This is not hunting; this is not sport. It is no more fitting nor ethical than romping through a neighborhood shooting pet cats and dogs. It is a cop-out for "hunters" who are too lazy or too incompetent to legitimately stalk game.

I am not impressed with the argument that some canned hunting establishment owners have invested money in their "businesses" and deserve some kind of protection. If I had bought a house and arranged to organize a business for adults to have sex with children in it, I would not merit the time of day insofar as being entitled to some "protection" in my "business judgment."

Canned hunt businessmen in my judgment are no more entitled. These canned hunt organizers can adapt their businesses into something legitimate; and, if they cannot do so, the federal Bankruptcy Code offers them a remedy.

This whole enterprise is an abomination. It is dirty business, and needs to be eliminated in Indiana. It sets a very poor example for the State; it encourages unwholesome ideas and values; and, it makes a mockery of legitimate hunting (which I do not oppose). Ban it in Indiana!

Lori Anderson (lilabillium@yahoo.com)

This is appalling. I can't believe our Hoosier boys are so hard up to prove their manhood that they'd resort to murdering tame animals. PLEASE STOP THIS NOW. It's embarrassing for this state! It's ethically horrific!! PLEASE STOP IT N-O-W!!!!!!!!!!!!!!

Kim Ralston (kymralston@comcast.net)

So as you can see, these animals have no chance. You must put an end to this. Hunting is getting out of control. It sends a message that it's right to shoot a being at point blank. We are in an age that must send the message....humans don't have to hunt any longer. We also must be much, much better stewards of the farm animals that sacrifice to feed some of us. Life is a blessing it MUST be revered as such.

Betty Coy (bettyagain@aol.com)

There is also the risk of unscrupulous people selling different types of animals handraised, or from zoos, etc. to be murdered in worse ways. Drugged, whatever. to cowardly people who have no ethics.

Carole Lewis (clewis6559@aol.com)

In addition, it is a fact that CWD has been spread through transportation of captive cervids. Indiana is becoming a high risk state for this fatal disease as it spreads to Wisconsin Michigan and Illinois. Wisconsin has spent millions of dollars attempting to contain the disease with a vast impact on the state's wild herds. Will Indiana be next?

Emily Hoening (ehoening@iupui.edu)

Canned hunting is neither hunting nor a sport. I am not a supporter of hunting in general, however, I feel that if one chooses to hunt this is not the way to go. Traditional hunting involves a thrill, a chase, a lot of skill, a little luck, and typically a number of misses before one gets their prey. The way these animals learn trust and then have it destroyed sickens me. Please consider banning canned hunts in Indiana.

Sharon Maxey (yourtemptationeyes@hotmail.com)

And, by the way, did you know that there is a direct link between animal and human cruelty?

Dagmar Reay (golden295@aol.com)

I cannot believe that my homestate Indiana even considers to allow canned hunts. I implore you to oppose this horrible practice.

Shelly Lucas (Shelly8900@hotmail.com)

PLEASE!!! DO EVERYTHING YOU CAN TO BAN CANNED HUNTS IN INDIANA.

Julie Karr (juliarts2003@yahoo.com)

Not only that (as if that isn't enough) - there is no sportmanship or humanity in this practice - it is utterly abhorrent. Please continue your opposition.

Dan Crow (ameridan@aol.com)

I live across the road from one of these facilities and find that not only is it silly to allow this practice of canned hunting, it is also dangerous to the public. The owner/operator of this facility has no concern for the public nor the homes that border his facility. My neighbor's home has been fired upon five times and we have watched many unsafe practices occur on many dates causing reports to be filed with the county sheriff and the county BZA for action. As of today, Feb 25 we again will be filing a complaint with the BZA requesting immediate shutdown of this facility for violations during today's pheasant hunt. I realize the pheasant hunts performed here are not the same caliber as the exotic/deer hunts but the same facility is used. The owner/operator, Mr. Reed says he has had no elk hunts to date but neighbors report some difference on that issue. Myself and our neighbors all agree to shut this facility down before someone gets hurt or killed. We will be visiting the high fence near Pierceton, Ind. tomorrow afternoon to compare notes with those folks and the problems they are experiencing with that owner. I feel it is a must to discontinue this gruesome practice. The only reason these facilities exist is due to the hunting practices used by many of the city people who no longer have places to hunt. This last fall I had to evict a "hunter" who was on my property without permission. These "hunters" ruin the prospect of true hunters that respect property and property owners.

Lynn Foster (lynnf13@earthlink.net)

I just think to raise an animal just pen it in an area to be shot for fun and supposedly for sport makes me just sick they have no chance at all. I think they should all be banned everywhere.

Jennifer Mossburger (jennbeard@hotmail.com)

It's my opinion that canned hunting is cruel and unnecessary, especially when so many people could benefit from the fair hunting of wild game as opposed to hunting in these canned situations.

Muriel Lennstrum (mflen1@juno.com)

It is unconscienable to permit hunting trapped animals in a society that is already permeated by violence and inhumanity and cruelty. Stop these canned hunts and let us be proud that we live in Indiana instead of being ashamed that our state has permitted this horrible practice!

Nancy Ruehl (vikingqueen1@mail.parallax.ws)

A real hunter would never abide by this practise, a real man would leave without firing a shot!!!

Sherry Eaton (sherryeaton2113@yahoo.com)

Please do not let this horrific practice happen in Indiana. I feel so strongly about this issue that I will not vote for anyone who supports this bill. PLEASE do the right thing and BAN CANNED HUNTS.

Tamira Felts (Tai1010@hotmail.com)

Let people who want to do this just do it in a video game....Lord knows there is enough killing virtually - we do not need to promote anymore killing of the innocent.

Nancy Elsea (nelsea@cpsc.k12.in.us)

While many of my friends and relatives are hunters, they would NEVER participate or sanction this type of hunting. This is NOT hunting. Animals that are hand raised are more like pets than wild animals. This is not what Indiana needs to be known for or sanction. Making money off of trapped animals is a greedy, cruel and unnecessary type of enterprise. Please stop this type of hunting IMMEDIATELY!

Christina Hess (cdh1968@yahoo.com)

I find canned hunts to be absolutely disgusting. Where is the sport in shooting a basically tame animal? It is so sad that man's greed and pursuit of the almighty dollar has allowed canned hunts to continue.

Staci Doumas-Hornacek (stacimdhornacek@yahoo.com)

Let's make Indiana number 20 and counting!

Bill McCoy (billy_c_mccoy@msn.comEthical)

Hunters are continually working to avoid being branded as villains due to the actions of a very minute fraction of hunters who poach, kill or injure protected species, and participate in canned hunts. Please support a ban on canned hunts in Indiana.

Brenda Ricker (therickers@hotmail.com)

I find this "sport" extremely cruel and offensive, and it should be stopped IMMEDIATELY!

Surely those who feel they have to kill to be more of a man or a woman can find another avenue to fulfillment. Perhaps all those who enjoy canned hunting can be fenced in and can shoot each other. That would certainly resolve the issue!! Please, please, please rid Indiana of this horrific practice.

Nancy Palmquist (snpalmquist@insightbb.com)

I know of a place like this near here in Henryville Indiana. I can't believe that this sort of thing is even allowed! Please help stop it.

Jon Abbey (abbeyroad1969@juno.com)

It is unethical to not allow the animal a sporting chance to evade the "hunter". I would imagine that most of the animals in these canned hunts do not even realize when they are about to be shot - or that they need to make an attempt to flee. Although I am generally not crazy about any type of hunting, traditional hunting is probably necessary in many cases, as it helps to keep population numbers in check. Canned hunting, on the other hand, serves no valuable purpose whatsoever. The only purpose, in my opinion, is to satisfy human vanity. These canned animals represent nothing more than a trophy.

Some things are just wrong, any way you look at it. This is one of those things. There is no place for canned hunting in any state, including Indiana. I urge you to please support a ban on canned hunts, so that we may make this terrible practice a thing of the past. Thank you very much for your time and consideration.

Kathleen Mowrey wrote by email on February 28, 2006 from PurdueTigger@yahoo.com

The inhumanity and cruelty of canned hunting is known. Canned hunts involve the shooting of animals in a fenced enclosure for a fee. It is sickening to think about and even worse to see.

Canned hunt operators and deer farmers breed deer, elk, and other big game animals, hand rear the animals so they have no fear of people, and release them into a fenced enclosure to be shot and killed. This is not the right way to do things. I am all for hunting in the RIGHT way. Giving the animals a chance to get away. However, what these people do is just wrong.

Many hunters have criticized canned hunts for being unethical and the practice has been completely or partially banned in 19 states. I don't understand how people can consider canned hunting real hunts. It's nowhere near a real hunt. It's taking advantage of the hand raised animals that will come up to you and then killing them in close range. This is a problem that needs to be addressed and you are on the way to making the truth be known!

Paula Eth (eth0312@yahoo.com)

Hunters profess that hunting is a sport. I don't believe that a bit. But canned hunts are nothing short of murder for lazy hunters.

Jennifer Kromer (Jenniferkromer@yahoo.com)

Please do not place Indiana on the list of states who support this cruel, unsportsmanlike practice.

Barbara Smith (bsmith@howelltractor.com)

I am not a hunter, but I believe hunting is supposed to be a challenge/competition, there no challenge when an animal is more or less trapped, it is murder. Please ban this horrible practice, the people that practice this so called sport can only be sadistics, I really dont' want them in my State. Please help.

L. Anne Haines (ahaines@gmail.com)

Please don't let Indiana fall behind the curve in this. Honestly, it just makes Indiana look backwards and bad.

Andi Sargent (andi.sargent@freescall.com)

Canned hunt operators and deer farms breed deer, elk, and other big game animals, hand rear the animals so they have no fear of people, and release them into a fenced enclosure to be shot and killed just so that someone can put a trophy on their wall. Please help stop this inhumane practice.

Warren Patitz (cabinone@juno.com)

Bottom line, canned hunting reflects a morally decadent culture. We can do better than allow this practice.

Beth Lee Simon (simon@ifw.edu)

Canned hunts involve the using fenced animals as nearly immobile targets, and doing so for a fee. The animals, deer, elk, and others considered bit “game,” are bred specifically for the purpose of being shot, and because they are hand bred in close captivity, when they are released into the fenced shooting area, they no longer have natural instincts to flee. Rather, they have become trained to approach humans as those who care for them and nurture them.

This kind of killing is certainly not hunting. Those who wish to engage in “canned hunts,” are simply paying a fee to kill. Indeed, even most hunters do not support the practice of “canned hunts.”

David Caldwell (davidcaldwell@worldnet.att.net.)

Canned hunts promote and propagate enjoyment of the act itself of killing. This has no place in our society. Please do not justify this antisocial motivation with DNR approval. Please help Indiana grow only in positive ways.

Sammie Morris (morris18@purdue.edu)

Many states have already banned canned hunts, and Indiana citizens should not be branded as unethical, uncaring, irresponsible, and “backwater” Hoosiers because of these hunts.

Terri Scott (terri_scott@conseco.com)

There is plenty of open hunting space in Indiana. We don't need canned hunting sites.

Diane Peters (diane.peters@bcbsa.com)

It amazes me that this goes on in our country. Is the pursuit for profit this important?

Andrea Maddox (andoodeena@aol.com)

I know several hunters and they agree with me that canned hunts are shameful and should be outlawed.

Judith Magyar (jmagyar@depauw.edu)

I have worked to defeat this in Indiana through my legislators in the past and I would favor a national ban. This has to be one of the most deplorable practices in recent history. I come from a hunting family, but they are appalled at this.

Don Wiseman wrote by email on February 24, 2006 from dcliff5959@sbcglobal.net

Hunting in this state should be a sport. There is no sport or anything admirable about killing a animal or bird in a staged or controlled hunt such as a canned hunt. The same would apply to fishing in this manner.

Ron and Donna Ackerman wrote by email on February 24, 2006 from meikela@earthlink.net

We would encourage you to prohibit all canned hunts in the state of Indiana, effective immediately. The operators of these farms should be prohibited from buying, breeding or shipping in either cervids or exotics to be to be killed on these canned hunt farms. I can't imagine anything as disgusting as a so called sportsman who would kill an animal who is enclosed in a fenced in area or for that matter, anyone who would operate one of these farms. Please do not legalize this and do not prolong it for seven more years.

Cheryl Bauer wrote by email on February 24, 2006 from cherylbauer@yahoo.com

I fully support the IDNR proposed rule to Eliminate High Fence Hunting.

Lynn Shimala (givenweims@yahoo.com); Fred Davis (fdpd@parallax.ws) Alex Rodriguez (aztecpiper@aol.com); Barb Deleon (bdeleon@hartmarx.com); D.J. Benson (djbenson@lpcasa.com); Donald Wheeler (Donald_A_Wheeler@rush.edu); Barbara Caruso (Bcaruso@andersonkill.com); Elizabeth Biscuso (Elizabeth.Biscuso@ssfhs.org); Matt McKenna (matt@tacowednesday.com); Laura Nirenberg (laura@netnitco.net); Bonnie Swarner (bdswarner@hotmail.com); Amy Nieman (amnieman@comcast.net); Cindee Goetz (cegoats@yahoo.com); Katie Horan (likeable@peoplepc.com); Paul Messing (pmessing@indiana.edu); Rhichard Ireland (Rhireland1@aol.com); The Daniel J. Will Family (Psalm106@pkfamily.com); Aidin Amirshokoochi (aamirsho@indiana.edu); Anthony Minich (aminich@indiana.edu); Jean Starr (jeanstarr@comcast.net); Renee Miller (mrsreneemiller@gmail.com); Mahsa Kazempour (mkazempo@indiana.edu); Lisa A. Donnelly (laborger@indiana.edu); Melisa Culbertson (culbertsonfinancial@starband.net); Alex Rodriquez (aztecpiper@aol.com); Christine Jackson (caj7637@insightbb.com); Sally Messing (samessing@yahoo.com); Russ Harper (topquark@niia.net); Amy Miller (ajmiller74@hotmail.com); Susie Cutler (susiecutler1@aol.com); Paula Turley (dzt2@comcast.net); Kenneth Smith (SMITH_KENNETH_I@Lilly.com); Jolie Coggins (jcoggins@iupui.edu); Margaret Kownover (mkownover@yahoo.com); Isaac Will (indianajonesrocks@yahoo.com); Armida Sharpin (asharpin@yahoo.com); Rosemary Shanda (SHANDA2378@msn.com); Carole Lewis (CLewis6559@aol.com); Ken Kelley (kennithk@bellsouth.net); Michael R. Riggs (mriggs@indy.rr.com); Jade Chavez (jade.chavez@verizon.net); Flanna McGowan (banana9366@yahoo.com); Lynn Berryman (lberrymann@lightbound.com); Kristen Koscielniak (kristenkoscielniak@comcast.net); Marilyn Chavez (chavez00@verizon.net); John Witt (jwitt39@msn.com); Gerald Eads (geads@compuage.com); Christina Hammermeister (schlammer@sbcglobal.net); Marie Reamer (bartonrm@comcast.net); David A Allspaw (ALLSPAW_DAVID_A@Lilly.com); Bruce Resteau (2wayfm@comcast.net); Alana Bauman (sbauman@netnitco.net); Amy Noffsinger (Amy.Noffsinger@uchospitals.edu); Etrice Jackson (etricej7@aol.com); Pete Travis (PTTravis@surf-ici.com); Missi Bush (missi.bush@insightbb.com); Beth Rudnick (brudnick@pnc.edu); Sarah Combellick-Bidney (scombell@indiana.edu); Freida White (millercritters@sbcglobal.net); Sandy Meyer (smeyer72001@yahoo.com); Holly Cardwell (holly6683@yahoo.com); Greg Ames (greg@cjhfreight.com); Laurie McGowan (L_mcgowan@sbcglobal.net); Jan Van Paris (JVanparis@aol.com); Ethan Vollmer (missy420@juno.com); Diane Thalman (dlthalmann@NiSource.com); Margaret Jollief (mjjollief@comcast.net); Geraldine Meyer (gfm26@comcast.net); Jelayne Van Bokkem (vb@comcast.net); Tony Van Bokkem (tpvb@comcast.net); Cindy Baker, DVM (CritterDoc777@cs.com); Amanda Coleman (amandacoleman69@hotmail.com); Teresa Skaggs (strayswelcome@earthlink.net); Dianna Shuler (Bsf1hr@aol.com); Ellen Lacey (elacey@netdirect.net);

Ban canned hunts / hunting / farms in Indiana.

Persons shown immediately below (and terminating with a mark *****) joined with this statement and offered supplemental comments as individually attributed.

Priscilla Herochik (herochik@sbcglobal.net)

How can it possibly be a sport to shoot tame wildlife in an enclosed pen?

Jaob Silverglade (jsilverglade@aol.com)

There is no place for these inhumane practices in a civilized society.

Gale Carmona (gpcarmona@verizon.net)

Canned hunts are cruel, inhumane and have been banned in some states already. The BBC runs a news report about canned hunting in Texas--saw it on BBC American a few weeks ago--they were as appalled as I was. It is nothing but a cheap thrill--there is no contest between an armed hunter and a semi-domesticated, enclosed beast. This type of activity says some very sad and nasty things about our society and its tolerance for cruelty.

Nannette Ames (nannette@cjhfreight.com)

NOT IN 7 YEARS. THIS NEEDS TO BE DONE

Tina Harris (taharris79@yahoo.com)

Canned hunt farms are unsporting and in some cases inhumane ways to hunt animals.

Bill Breeden (breeden@ccrtc.com)

I support the DNR rule to ban canned hunting. Many of my family members are hunters in Indiana, but none of them support the inhumane killing of animals that don't have a running chance. It's wrong.

Kim Bunger (topironhorse2000@hotmail.com)

They are disgusting and abusive to the animals.

Melissa Vollmer (missy420@juno.com)

We will be considered the most barbaric and cruel of states if this does not transpire. I could not bear to live here.

Larissa Vollmer (varsitybabe1323@hotmail.com)

What kind of people get their jollies from slaughtering defenseless animals? What kind of society are we becoming? Let us possess some semblance of decency and compassion.

Carol Prohaska (cp13lives@yahoo.com)

These establishments are maintained solely for profit as a yearly membership is expensive..costing in the \$thousands, depending if membership is individual or corporate. Any animal that cannot be consumed by the hunter is left with the owner to dispose or distribute as he/she chooses. Is there any legislation governing these places? I seriously doubt so. Also, these establishments are not advertised..cannot be found on the internet and definitely not located in the local phone directory. The game animals are "raised" on the premises, only to be eliminated by hunters who "think" this is sport. Anyone who can afford to hunt on these premises, certainly is not in "need" of the sustenance that these animals provide and since access to the animals is confined to a certain area, can this be called sport? Are these canned hunts reducing the "overpopulation" of animals to allow the fittest to survive and multiply?...not if they are bred, raised, and fed in a protected environment. I implore you to oppose canned hunts and follow precedent to completely eliminate this selfish act. We were made by our Creator take care of animals, not abuse them.

Andi Bernat wrote by email on February 24, 2006 from abernat@hsus.org

On behalf of The Humane Society of the United States (HSUS), and our 139,000 members and constituents in Indiana, we hereby submit comments regarding proposed rules changes 312 IAC 9-3-2 and 312 IAC 9-3-18.5, prohibiting the hunting of exotic animals and fenced white-tailed deer and the release of exotic animals into the wild.

The HSUS supports the proposed rules changes for the following reasons:

Tame and Trapped Targets

Fenced deer hunts, also known as “canned hunts, shooting preserves, or game ranches,” are private trophy hunting facilities that offer their customers the chance to kill deer trapped within fenced enclosures. These operations may range from a few to thousands of acres, but there is always a fence into which an animal may be driven so that he cannot escape. Small ranches offer animals in fenced areas that are little more than pastures, where the hunter may approach on foot, pick his target up close, take aim, and shoot. Larger facilities typically provide guides who always know where the animals are and the best routes to run them into the fence. Because the animals are often bred on site or purchased from game farms, or animal dealers, they have been habituated to humans. Animals that have lost their fear of humans are easy targets, which makes it even safer – although it is no great risk, in any event – for canned hunt operators to offer a “no kill-no pay” guarantee.

In wilderness areas, animals have a chance to escape and the hunt is not guaranteed. Animals go into deep woods and bed down under cover during the day, only coming out at night to eat. On a fenced hunting preserve, however, no matter how large the enclosure, the animals are not able to change their behavior patterns in any way that will thwart the hunter. Game ranches and hunting preserves employ “guides” whose full time jobs are: to be intimately familiar with the entire landscape of the preserves; to know where the animals are on the preserves at all times; to know where and when they like to eat, drink, and bed down; and to know all their hiding places. All that the larger area accomplishes is to give hunters the illusion that they are actually hunting an animal.

Disease Threat

On September 25, 2001, the U.S. Department of Agriculture declared a state of emergency due to the threat of chronic wasting disease (CWD). The HSUS urges the Indiana Department of Natural Resources to focus considerable attention on one of the root causes of this problem: the game farm industry and its role in fostering the spread of this very dangerous disease. CWD is a transmissible spongiform encephalopathy (TSE) of cervids. Natural infections have occurred in mule deer, white-tailed deer, and Rocky Mountain elk; and the disease has been present in mule deer populations for at least 30 years (Williams and Young 1980).

CWD has been found in captive populations of deer and elk on game farms in Colorado, Kansas, Nebraska, Montana, Minnesota, Oklahoma, South Dakota, and New York. Wild populations of deer have also tested positive for this disease in Colorado, Nebraska, New York, Wisconsin, and Wyoming. When risks are identified, they should be avoided. The people of Montana – mainly hunters – witnessed the state fail to address the emerging problem of CWD, and took the matter into their own hands by qualifying and passing a statewide ballot initiative in November 2000 to ban canned hunts and to halt the establishment of any new game farming operations. A number of other states, such as Wyoming, have courageously and persistently resisted the efforts of the industry to gain a foothold. The recent discovery of CWD in both captive and wild deer in New York has inspired a bill to ban canned hunts the legislature in that state. Seventeen states prohibit deer farming entirely.

The unusual biological features of CWD pose significant challenges for wildlife managers attempting to control or eradicate the disease. Because TSE agents are extremely resistant in the environment, transmission may be both direct (from animal to animal) and indirect (for example, from contaminated soil; Williams, 2002). Indiana’s ban on importation of cervids in 2002 was a responsible step towards thwarting

CWD, but not a cure-all remedy. The potential for density-dependent disease transmission is greater among animals in captivity than in free-ranging wildlife. Captive animals in canned hunt operations are typically held at densities far higher than those occurring in nature; thus, they are more frequently in direct contact and are more consistently stressed. Their repeated exposure to the same (potentially contaminated) soil may exacerbate effects of density on captive cervids. CWD may also be transmitted between captive and wild cervid populations, in either direction (Coon, et al., 2002) posing an unacceptable threat to Indiana's native deer and elk population.

No treatment is available for animals infected with CWD. The disease is invariably fatal. Similarly, no vaccine is available to prevent CWD infection. In addition, long incubation periods, subtle early clinical signs, absence of live-animal diagnostic tests feasible for large numbers of free-ranging cervids, the persistent infectious-like protein, possible environmental contamination, and an incomplete understanding of the modes of transmission all constrain wildlife officials in controlling or eradicating CWD. Indiana has little to gain, and much to lose, if the DNR allows fenced deer hunting to continue.

Scientists, such as Dr. Valerius Geist of the University of Calgary, have warned for years about the threats posed to wildlife by game farms (e.g., Geist, 1995). Dr. Geist has decried that game farms represent unbridled commercialization of wildlife, which runs against the norms that have dominated wildlife policy in the United States developed in the early part of the 20th century; that these operations pose disease threats posed to wildlife and the livestock industry; and that they contribute to the abuse of animals (Geist, 2002). The HSUS warned about the excesses of this industry for the past two decades, and these concerns have proved prophetic. This industry does far more harm than good and the Indiana DNR should not support its perpetuation or expansion.

Overwhelming Opposition

Canned hunts are considered so unethical and biologically reckless that a plethora of groups have publicly opposed them. Hunting groups recognize that the practice is unethical, unsporting and inconsistent with the idea of "fair chase." Locally, the Indiana Bowhunters Association, the Indiana division of The Izaak Walton League of America, the Indiana Deer Hunters Association, and the Indiana Wildlife Federation have all taken a position against shooting deer behind fences. Environmental groups such as the Indiana Division of the Sierra Club oppose them because of the risk they pose to wild herds in the state. In Montana, the Orion Institute, led by famed author and hunter, Jim Posewitz, banned canned hunts in 2000 through a ballot initiative. National hunting groups including the Izaak Walton League, the Boone and Crockett Club (founded by Theodore Roosevelt) and the Pope and Young Club are also on record opposing canned hunts.

Outdoor writer and hunter, Ted Kerasote, whose popular book, *Blood Ties: Nature, Culture and the Hunt*, is an impassioned defense of hunting, including trophy hunting, has no doubt about the true nature of game farms and canned hunting: "Wildlife is not livestock. The problem comes when people are supposedly hunting these animals. That's the problem right there." According to Kerasote, canned hunts are turning hunting "into this caged, paid affair and it bears no resemblance to what hunting is, was, and could be. Like so many things in our world, people want to buy the product (the trophy) rather than experience the process (meeting the animal on its own terrain)."

State newspapers such as The Indianapolis Star, The Fort Wayne Journal Gazette, and The Star Press have spoken out against the practice. Most recently, on February 13, the South Bend Tribune editorialized in opposition to canned hunting. "This is not a practice that should exist in Indiana . . . It is not governed now by state law, which is the reason [DNR Director Kyle] Hupfer stepped in. His judgment was fact-based and sound."

Public opinion in Indiana is clearly in favor of making canned hunts illegal in the state. In fact, the majority of public comments solicited by the DNR and subsequently posted on their website denounce the hunting of deer behind fences.

Bad Business

Canned hunt customers will pay tens of thousands of dollars to kill captive native wildlife—many bred specifically to have exaggerated “trophy” qualities. In fact, canned hunting encourages the irresponsible breeding of captive wildlife by creating a market for surplus animals. First and foremost deer farms that charge money to allow clients to kill a deer are motivated by profit. If clients are unsuccessful at killing an animal, profits go down. There is no element of fair chase when the success of the operation depends on a guaranteed kill. This is not hunting.

Just last year, Peru, Indiana canned hunt operator Russ Bellar pleaded guilty to federal wildlife violations including drugging deer at his facility. Bellar was touted as a responsible businessman when the Citizen’s Advisory Council on Captive Cervids toured his facility when they met last year. The criminal activities of Bellar suggest that the canned hunt industry will do whatever it takes to insure their clients get a kill.

Many fenced deer hunting facilities are called “farms,” suggesting the deer are equivalent to livestock. In fact, most deer farmers supported an attempt in the Indiana Legislature last year to have deer farms regulated under an agriculture department. Deer raised on farms are born and raised in captivity and become dependent on humans. Shooting and killing a deer classified as agricultural livestock is similar to shooting a cow or pig and bears no resemblance to traditional hunting.

Exotic Animals

The release of exotic animals into the wild, whether for hunting or for some other purpose, poses two unacceptable risks: first, it changes the ecological balance in ways that cannot be foreseen. Predators constitute a danger to native animals unequipped by evolution or experience to evade the new threat. They may also compete at an advantage with native predators for a limited food supply. Herbivores pose a risk to native flora, which in turn may adversely affect native herbivores and the native carnivores who depend upon them. Either way, the introduction of exotic animals initiates a billiard-ball reaction that ricochets through the ecosystem with results that no one can predict.

The introduction of exotic cervids into the wild creates an unacceptable risk of spreading disease into the native cervid population. Chronic wasting disease is the best-known example of this, but bovine tuberculosis can also be a serious threat to wildlife populations. Bovine TB is currently found in Michigan’s white-tailed deer, elk, black bear, bobcat, coyote, opossum, raccoon, and red fox populations. Bovine TB is capable of infecting most mammals, including human beings. Both diseases are known to flourish in unnaturally intensive living conditions of wildlife “farms,” and it is widely suspected that that unexpectedly rapid movement of CWD into the eastern half of the United States may have been due to the sale and transportation of cervids among captive wildlife facilities.

If it were legal to hunt exotic animals in the wild, the temptation to release exotic animals into the wild would be so great for some that deliberate release would be almost a certainty, with all the attendant ecological and health dangers. Hunting exotic animals in captivity raises all of the ethical and health issues that are raised by hunting captive deer, as discussed above.

Conclusion:

The state of Indiana stands at a crossroads. At stake is nothing less than the future of Indiana’s wildlife population and its outdoors heritage. Animal welfare groups, like The Humane Society of the United States; pro-hunting groups, like the Indiana Wildlife Federation; Environmental groups like the Sierra Club; wildlife experts; and the state’s most respected newspapers are in agreement. Both ethics and responsible wildlife management require a ban on canned hunts for both native and exotic animals and on the introduction of exotic species into the wild.

Wildlife are the patrimony of all the people of Indiana. What belongs to everyone must not be put at risk for the benefit of a small special interest that has already shown a blatant disregard for the law and the common welfare.

Thank you for the opportunity to comment on these issues. For the reasons stated, we strongly support the above-cited regulations.

Sincerely,

Andi Bernat
The Humane Society of the United States

Gerald J. Cochrane wrote by email on February 24, 2006 from skyshield@yahoo.com

This email is in response to Canned Hunting in Indiana. As you all know there is nothing that can not become a truth if the correct words are used to illustrate the "need". I believe some of the proponents are using handicapped children to illustrate the need for canned hunting, as well as other pathetic ploys.

Since I am a hunter, I feel that I must tell you this, when I came to Indiana and saw the incredible lack of forestation available for animals to live in, I exclaimed to my wife "there must not be any animals here" she said, "there are all kinds of animals here" I could not believe it. And sure enough as time went by, I saw all kinds of deer and other creatures existing, somehow, in the tiny islands of trees dotting the farms. I told her that, "this is just like canned hunting here" she looked puzzled, "well a hunter simply has to wait outside of the edge of these two acre tree lots and shoot them as they come out. It is just like canned hunting".

Now how much easier could it be for a hunter to kill a deer or other animal, it is not like they have to walk up the Rocky Mountains or hike across vast areas of rolling hills in South Dakota to even see an animal. If hunting got any easier in this state, they could just open their car doors and let the animals get in. I challenge any real hunter to argue this case with me, canned hunting is inhumane, canned hunting is **NOT HUNTING AT ALL, BUT A WEAK AND PATHETIC WAY FOR SOME PEOPLE TO MAKE EASY MONEY, AT THE ANIMALS EXPENSE. I THINK ANYONE WHO SUPPORTS THIS BILL IS A SORRY EXCUSE FOR A HUMAN. HERE, LET ME GIVE YOU MY NAME SO ANYONE WHO DOESN'T LIKE WHAT I SAID CAN TALK TO ME DIRECTLY,**

James Marquart wrote by email on February 24, 2006 from jpmarquart@insightbb.com

I have been a hunter for many years, have participated with my young sons in the hunter safety program in Maryland and have hunted in Indiana, Wyoming, Maryland, Kentucky and many other States and places over the years. I have never done and will never do this type of killing, which in my opinion, is not hunting. I realize deer herd management is necessary but this is not the way to do it and I strongly oppose this practice.

Jim Daniels wrote by email on February 24, 2006 from jimdaniels3@juno.com

This note is to state support for the Department of Natural Resources position on Canned hunting, though 'hunting' is the wrong term. Canned shooting in a fenced yard is a better description. There is no semblance of fair chase and the potential to spread disease is magnified.

David Jenkins (david.e.jenkins@intel.com); John Kress (john.kress@yahoo.com); Robert Rippe (headshot_abn@verizon.net); Ruth Ellen d'Ouville (muttnut5@yahoo.com); Todd Farris (todd@hunterdan.com); Tom Berg (tberg@netnitco.net); Debbie Twardy (dtwardy@hotmail.com); Robertson, Carrie (carrie.robertson@cingular.com); Hannah Holmes-Robbins (shakespeare_123@hotmail.com); Bob Hardwick (bvhardwick@direcway.com); Sheila Hardwick (skhardwick@direcway.com); Dave Nanos (dnanos@print2web.net); Don W. English Jr. (bandit25@bluemarble.net); Terry Gary (Tgary@angolain.org); Paul Bunner (pbunner@verizon.net); Lynn Burry (lsburry@adamswells.com); Terry Roberts (ialum@iquest.net); Keith Snyder (quaker1955@msn.com); Calvin Hair (Moorsville, Indiana); John Deem (j.deem@mchsi.com); Rodger Miller (rodmill@citznet.com); John Seright (charmjohn@peoplepc.com); Roy R. and Delores Ringler (rringler@ccrtc.com); Charles Dittinger (charles.dittlinger@prodigy.net); Douglas Flack (dflack5@comcast.net); Nora Baker (ThePhantom@tds.net); Ken Nettles (asds@netdirect.net); Kelly Beck

(Snorklpapa@aol.com); Ed mueller (ecmdoc@hotmail.com); Dale Back (dback@nalu.net); Robert Duff (ico216@maplenet.net); Mac Moulden (macfred@worldnet.att.net); Stanley Robinson (serobinson@iquest.net); Bob Hughes (hughes1@seidata.com); Cindy Doxtater (doxtgc1@sbcglobal.net); Alan Watanabe (ajwatanabe@comcast.net); Nancy Meehan (pinkie53nm@juno.com); Tom Harrell (harrellt@iquest.net); Bill Harter (Bharter@angolain.org); Bill Snyder (bsnyder202@yahoo.com); Schroeder Family (dr1949@insightbb.com); Tom Adamczyk (tandf.cpa@verizon.net); Brenda Trueblood (corndogger2@msn.com); Matthew Senesac (Msenesac28@aol.com); Robert E. Moore, Jr. (REarlMooreJr@aol.com); Trudy Smith (trulydox@comcast.net); Patty Murphy (lulu369@juno.com); Sean Fahey (faheys@yahoo.com); Danny L. East (shooter@scican.net); Rebecca Keesling (KeeslingKB@aol.com); Deeanne Moore (deeanne.moore@hotmail.com); Edith Stoneking (estoneking@direcway.com); Bruce Griner (brucegriner@sbcglobal.net); Kimberly Crame (kimberly.crame@gm.com); Jeremy C. French (frenchmj2@aol.com); Michael Robert Rigsby (mrigsby@surf-ici.com); Bruce Clear (bsclear@sugardog.com); Beverly and Gary Overmyer (bovermyer@mailstation.com); Deb Kestler (leethree@etczone.com); Cole Remsburg (cremsbur@idem.IN.gov); Darren Cobbum (dcobbum@ruddequipment.com); Gary Sheffer (gsheffer@whitecountyremc.com); Kevin Kerr (kevinke@othy.com); Dave Dunnuck (DDunnuck@bbcpump.com); Dave Lilly (dlilly@elmco-press.com); Scott Hottell (shottell@msdsc.org); Andrew Cline (akcline@yahoo.com); Kurt Dorman (kdorman@dormanrepairs.com); Lynn Wolf (lwolf@bellind.com); Kendon Troyer (huntinhoosier@netzero.com); Patrick Holdsworth (pholdsworth@yahoo.com); James Farmer (jnfarmer@seidata.com); Amy Jo Hatfield (ajhatfie@iupui.edu); Sharon Parish (SLPgardens@aol.com); Melvin Dale Eaton (EATON_MELVIN_DALE@Lilly.com); Denise Breeden-Ost (dbreeden@bloomington.in.us); Smith, Scott (ssmith@arvinsango.com); Mary Kraft (mkraft2@earthlink.net); Cory Yeager (noblediveclub@hotmail.com); Kenna Quinet (kfquinet@iupui.edu); David Grannan (dwgrannan@goldenrule.com); William Spatta (btspro@insightbb.com); Adam Thies (adam@edenlanddesign.com); Maryilyn Slemenda (mjslemenda@comcast.net); Tom Schroder (schroetc@muohio.edu); Patricia Jones (jonesp@ips.k12.in.us); Amy Shirk (Ashirk@nd.edu); Sharon Loftus (SharonLoftus@nd.edu); Mark Brehob (markbrehob01@comcast.net); Donald Griesey (dorl@sugardog.com); N. DeWitt Robinson (dewitt@sugardog.com); William B. Keaton (scrubby@direcway.com); Margaret Ahearn (margaretahearn@msdlt.k12.in.us); Merrill Van Meter (merrill@pwrte.com); Jennifer Prochaska (Jrprochas@aol.com); Ehren Bingaman (ebingaman@hotmail.com); Ralph Bean (r_bean@sbcglobal.net); Jen Potee (jenpotee@verizon.net); Roy K Sparks (SPARKS_ROY_K@Lilly.com); Mike and Pat Saunders (saunders50@earthlink.net); Denise Roth (droth@ecommunity.com); Marla Farris (marla@hunterdan.com); Johnny Mays; Ronald McCalip; Joe Landwerlen; Mike Wimmer; Jerry Edwards (joe@jltool.com); Anthony Runyon (arunyon@localnet.com); William Hinshaw (singlewing@webtv.net); Jeni Jenkins (jeni@brixionsville.com); Debra Henderson (debra_henderson@sbcglobal.net); Ed Guljas (eguljas@seidata.com); John Bunner (firstrock@hotmail.com); Victoria Kage (v.kage@verizon.net);

I support the DNR Rule to ban canned hunting.

Persons shown immediately below (and terminating with a mark *****) joined with this statement and offered supplemental comments as individually attributed.

Bill Snyder (bsnyder202@yahoo.com)

There are many reasons for this, but to allow someone to continue an illegal practice because they want to does not make sense.

Emily Moore (EAllynM@aol.com)

I am particularly concerned about the association between chronic wasting disease and "deer farms" in other states.

Herald Demaree (hdemaree@nupoint.net)

I worked 34 years for IDNR with 15 of those years as Wildlife Disease Specialist. Working with Bluetongue (BTV) and Epizootic Hemorrhagic Disease (EHD) at that time, we now have Chronic Wasting Disease (CWD) similar to mad cow disease occurring in deer and elk. Many of the reports about CWD indicate the outbreaks started in penned or high density herds.

Canned hunting areas put the deer, elk and other animals under stress conditions that is favorable for these diseases to get started. Indiana can not afford to allow this to happen.

Tonya Galbraith (tonyaann2@earthlink.net)

The DNR has made a courageous move to attempt to ban this inhumane treatment of animals and you should be congratulated.

Garnett and Carolyn Day (gacaday@sbcglobal.net)

Please add our names to those who are hoping that this cruel and senseless sport will be prevented once and forever.

Justin Blake (jwb206@netzero.net)

Not only whitetail deer, but all exotic mammals.

Marsha Alexander (mkalex44@sbcglobal.net)

I VEHEMENTLY OPPOSE CANNED SHOOTING !!! (I refuse to dignify it by calling it hunting.) It is unsportsmanlike, inhumane, and unethical.

Max Weber (cmweber@verizon.net)

Canned Hunting takes away from sportsmanship and teaches nothing to respect wildlife or our natural resources.

Larry Vollmer wrote by email on February 26, 2006 from missy420@juno.com

Proverbs 12:10 states that a wise man takes care of the needs of his animal...so is it that our animals need to be shot in the hip, the stomach, the leg, the face, the chest, and go down screaming in confusion, fear, and agony; the helpless victims of man and legislative cruelty? Why not send these animals into the care of places like Cleveland Armory's Ranch of Dreams, or one of the many other humane havens created to protect these innocent ones from the cruelty of the sick and perverted men who find it a thrill to slaughter them. Ban canned hunt farms in Indiana.

Joseph Boat (Indianadeerhunt@aol.com)

My name is Joseph Boat and I'm firmly against canned hunting of every kind its not hunting its ruining the sport and way of life of America's REAL hunters such as myself. I will help in any way I can to see you win this decision.

Dennis Patterson (dennis.patterson@thomson.net)

Please ban this activity. This is not hunting and is an insult to the long standing hunting heritage that this state has and to the noble animal that they want to profit from.

Kirk Demaree (kdemaree@nupoint.net); Chad Murphy (c.e.murphy@verizon.net);

There is clear evidence linking the spread of CWD to high fence hunting operations nationwide, and such operations in Indiana pose a real threat to the wild whitetail herd from CWD. Furthermore, data from audits done in Wisconsin and Michigan have demonstrated wide-spread violations of herd reporting and license regulations in those states by members of the high fence industry.

Recent escapes of elk and red deer from Indiana high fence facilities demonstrate a real threat to the native eco-system which may result from uncontrolled releases of exotic species.

For these reasons and many more, I support IDNR's ban on high-fence hunting operations and support making the ban permanent.

Tony Wright (TonyWright@smithimplements.com)

When I first heard of such operations a few years ago, I was shocked and appalled that anyone would do this type of thing. It is wrong! I can not understand why anyone would do such a thing that clearly takes away the "fair chase" challenge of hunting.

The spread of CWD can easily be shown to have some ties to these captive animals in these high fence operations nationwide. It's been proven here in Indiana as well as Wisconsin and Michigan that these animals can and do sometimes escape their high fence environment. Hence exposing anything they carry to our native wild population of deer.

Once again, I strongly support IDNR's ban on high fence hunting. It is not fair chase and needs to be abolished permanently.

Sandra Klein (klein.26@nd.edu); Greg High (klein.26@nd.edu)

We cannot believe that this is even an issue in a "civilized" society.

Elizabeth Mahoney wrote by email on February 24, 2006 from emahoney@iquest.net

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana. I implore you to hold firm.

Do not bend to the immoral, deplorable, unsporting influences that might have you change your mind for any reason, especially economic. It is my understanding that our good governor, for whom I voted, spoke with the folks at IDEM and DNR and communicated a message that if you all were not "Pro Business" than you had no business working for the State. This is not business, this is CRUELTY, greed and disgust in action. Again, please hold firm and ban canned hunting.

Kevin J. Hamernik wrote by email on February 24, 2006 from kjhamernik@hamernik.com

I strongly support the DNR rule prohibiting Canned Hunting and know that many of my fellow hunting and outdoor colleagues feel the same way. If you require more from me, please do not hesitate to contact me.

Beverly and Gary Overmyer wrote by email on February 24, 2006 from bovermyer@mailstation.com

My husband and I ask that the committee and Indiana representatives banned canned hunts in Indiana now.

Kathleen Hartman wrote by email on February 24, 2006 from kathleen.hartman@gmail.com

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana. Many hunters have criticized canned hunts for

being unethical and the practice has been completely or partially banned in 19 states. This is a shameful practice and a blemish on Indiana resources. Please end it.

Canned Hunting is a blemish on the natural resources, hunting community, and the state of Indiana. Please take steps to end this barbaric practice. As you know, many hunters oppose canned hunting and I, as a concerned citizen, also oppose it.

Bill Tucker wrote by email on February 24, 2006 from tucktogg@rexnet.net

STOP the canned hunts. Everything else is going against hunting fair chase. There is plenty of deers, turkeys that a man or woman can hunt without a high fence and it is WRONG to sale deer for all that money so someone can say nice buck. What part of the money people spent for the high fence (canned hunts) go back into the land or to help make deer hunting better outside the fence. Come on and VOTE NO FOR CANNED HUNTS AND SHUT THEM DOWN.

Greg Seketa wrote by email on February 24, 2006 from Greg.Seketa@4086.com

I am firmly in support of the proposed rule which would bring an end to these operations in Indiana.

Jim McIntyre wrote by email on February 24, 2006 from MR2DmDucks@aol.com

I was sending this in reference to the DNR Ban on Canned Deer Hunting . I support this ban and would like to see this ban made permanent . The welfare of Indiana's Deer Herd and the image of sport hunting is very important to me .

Please continue in the effort to Ban Indiana's Canned Deer Hunts.

Kevin Smith wrote by email on February 24, 2006 Ksmith@standardchange.com

Please do everything possible to keep this ban in place. Hunting behind a high fence is unethical.

Sam Carman wrote by email on February 24, 2006 scarman@tds.net

I am writing to express my support for the proposed ban on confined hunting. It is unfortunate that the breeders invested so much in an enterprise that they thought would be for the long-term, and I wouldn't be opposed to a phase-out; but eventually (sooner, not later) fenced hunting should be stopped.

John Martino wrote by email on February 24, 2006 from jmartino@cityofkokomo.org

I want to say that high-fenced deer hunting should not continue in Indiana. To me it violates all standards of fair chase and breaks from the respect associated with traditional hunting activities.

Greg Gerke wrote by email on February 24, 2006 from ggerke@cecinc.com

I support the DNR's proposed rule to ban canned hunting. The hunters and sportsmen and women of Indiana are a respectable lot of conservationists and do not need this to stain their reputations. In addition, I see nothing sporting about it. Please consider these comments as part of the 'public hearing process' in support of the ban in the State of Indiana.

Lance Robertson wrote by email on February 24, 2006 from LRobertson@theprecedent.com

I'm a life time resident and life time hunting license holder. I support the IDNR canned hunting policy!

Greg Spurgeon wrote by email on February 24, 2006 from xx78@msn.com

I am writing to let you know that as an avid hunter & outdoorsman, I STRONGLY SUPPORT the DNR's proposed Rule to Ban Canned Hunting. Please put a stop to this very serious threat to our hunting heritage.

Toni Bianchi wrote by email on February 24, 2006 from toni@saturninc.com

I can't believe the state of Indiana would allow the slaughter of animals as is done in these canned hunts. What is wrong with the hunters who think this is sport. Where is the sport in this, you can't even call this hunting, this is pure and simple slaughter. It isn't enough that hunters hunt animals with guns in open spaces, some of them now want to hunt animals that have been raised by humans, with a gun in a fenced area. Where does this end? How much more inhumane can it get.

Jack Schubarth wrote by email on February 24, 2006 from petmanjack@direcway.com

Senate Bill 77 Rule phasing out shooting farms
Dear Senate Members,

I'm against any government action which removes private property rights without any compensation or recourse for it's citizens by it's actions.

Senate Bill 77 removes the retail method of selling and slaughtering livestock and by those very actions close down the industry. How does government justify the phasing out of this industry? Why does government want this action?

This bill is nothing more than a dishonest unethical method of private industry removal and destruction by special interest groups.

Disease epidemic issues are being made a thing of the past for all livestock raised for food with the new Federal National Animal Identification System which will be in place for all animals used for food in 2008. Disease issues for all animals will be nipped in the bud before they can become epidemic. Any sick animals found can be traced back to the breeder and then his whole animal production farm can be under your State Animal Health Division control making the disease issue mute.

Was the method of animal slaughter used by deer and elk producers ruled by someone to be not humane for domestic raised elk and deer? If so would it not be just as inhumane to allow the hunting of public wildlife. Of course it's wasn't. These private owned deer and elk demand a special kind of ethical harvest with the least amount of fear. Traditional commercial slaughter used for cattle will not supply a humane slaughter for these domestic deer and elk. The only slaughter which supplies the least amount of fear for the deer and elk is person to person on farm slaughter. It makes no difference whether you call it hunting, harvesting or slaughter it's still the most humane slaughter method for these very special animals.

Jennifer Lentz wrote by email on February 24, 2006 from jjlentz@yahoo.com

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana.

The killing of a confined or restrained wild animal is slaughter for the sake of amusement. Unlike situations in which animals can use their natural and instinctual abilities to escape predation, a canned hunt affords animals no such opportunity. The practices adopted by a canned hunt lessen the natural fear and flight response elicited by human beings and ensure the hunters an easy target.

Please continue to ban canned hunts in Indiana. It is not fair to the animals who suffer because humans simply want entertainment. The lives of the animal victims have more value than that.

Michael L. Yoquelet wrote by email on February 24, 2006 from Yogibow@cs.com

This canned hunting thing must not happen in This State. We have seen how they operate with Beller in Peru. We don't need drugged deer being shot in a small enclosure. I ask where is the ethics in this action? Where is the morals? There is a reason why wild is in wildlife. Let's keep it there here in Indiana. If we make this legal what will be next? Bowing down to drug dealers and legalizing Crack and meth?

P. A. Bes wrote by email on February 24, 2006 from budget@netnitco.net

I am sending you this email to urge the Natural Resource Committee to totally BAN ALL CANNED HUNTS in Indiana.

Let's take a step into the 21st Century and stop the barbaric practice of killing animals for "sport" when the hunted doesn't even have a "sporting chance".

Charlene and Eugene Kirschsieper wrote by email on February 24, 2006 from budget@netnitco.net

I am writing to implore you and the Natural Resource Committee to vote against allowing canned hunting in Indiana. There is no way this inhumane practice can be considered sport. For once let the State of Indiana lead the way in stopping this barbaric practice that has no benefit to anyone but the people who profit from this hideous business. Please vote against canned hunting.

Dr. Charles Amlaner wrote by email on February 24, 2006 from camlaner@isugw.indstate.edu

I will be unable to attend the meeting on Monday concerning the hearing on the permanent rule to ban canned hunting in Indiana. I fully support any and all efforts to ban canned hunting of mammals and birds. The sport of hunting, when practiced using the highest ethical principles, is predicated on the principle of fair chase of animals. While there are some instances where fair chase may be difficult for a hunter, such as when the hunter is handicapped, even in this situation, everyone that I have known would prefer a wild hunt over a canned hunt. I have never supported canned hunting for any animal, mammals and birds included. As a trained wildlife biologist and an instructor and educator, I prefer to instruct students and young people in the fine art of fair chase hunting principles and practices. Please encourage the IDNR to continue to do anything and everything possible to stop canned hunting in Indiana. It is not good for the image of hunters or the image of hunting, and it is certainly not good for resource management practice.

J.D. Ruck wrote by email on February 24, 2006 from jdruck@locl.net

I'M TOTALLY AGAINST THE HIGH FENCE OPERATIONS. THEY ARE DOING NOTHING NOW EXCEPT DRAWING ATTENTION TO THE BIRD PRESERVES. I OWN A BIRD PRESERVE AND I AM GETTING TIRED OF THE HIGH FENCED FARMS. WE HAVE ONE IN DEKALB CO. THEY HUNT ELK , HOGS AND BIRDS ON ONLY 150 ACRES.THE OWNER THINKS HE IS ABOVE THE LAW AND IS ALWAYS PUSHING THE LIMIT. PLEASE GET THEM STOPPED.

Bob Gerdenich wrote by email on February 24, 2006 from BobGerdenicj@insightbb.com

I am against fenced hunting!

Vicki Ricketts wrote by email on February 24, 2006 from vicki@tetc.com

If hunters can't play fair..... they shouldn't get to play at all!

Please ban canned hunting in Indiana, and everywhere else if you have the power.

Robin Kennedy wrote by email on February 24, 2006 from rmkennedy56@comcast.net

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana.

I had the opportunity to listen and speak during the public meeting held at Ft. Benjamin Harris last year and am convinced that not only is this an unethical practice, but quite possibly a dangerous one for Indiana's current deer population.

You made a good decision banning this practice, please continue to stand by what you already know is the right decision. Thank you for your support of this ban.

Claudia Wing wrote by email on February 24, 2006 from wingsnest1990@yahoo.com

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana.

Please stop canned hunting!!!! This type of killing should not even be considered hunting but merely slaughter of trusting deer, elk, and moose that were hand-fed and raised by man.

If hunters want to hunt, let them go and HUNT the animals in the wild and give these creatures a chance.

Let's not go backward in civility but move forward!!! Thanks for the consideration and please let's make a stand!!

Bill McCoy wrote by email on February 24, 2006 from snakeypt@gibsoncounty.net

I am writing to state my full support of the IDNR proposed rule which will make High-Fenced Hunting illegal. I support a complete ban on shooting deer, elk and other exotic mammals in fenced enclosures. This practice, promoted for economic gain, is barbaric and a crime against the natural order. Encouraging and condoning the taking of animals for the primary reason of creating mounted trophies is heinous and based on greed and selfish motives. These canned hunts have been proven time and again to encourage unsportsman-like conduct. It belittles this country's hunting heritage by setting a despicable example for our young adults and any person being introduced to the sport of hunting under fair chase ethics.

Doug Brucker wrote by email on February 24, 2006 from brucker@iquest.net

Just a quick note to show my support for DNR Rule to ban "canned hunting". I am in the restaurant business with locations in several Indiana counties and as a high volume user of beef, pork and chicken, I place great emphasis on the humane treatment of animals, be it in slaughter houses or hunting grounds. In my opinion, canned hunting is inhumane and does not exemplify the standards of good sportsmanship.

Ruth Brookshire wrote by email on February 24, 2006 from sprench@nltc.net

I definitely oppose the hunting of such animals in the State of Indiana.

Matt Orr wrote by email on February 24, 2006 from djunderhill@sbcglobal.net

I want to say that I am against fenced hunting in Indiana. I wanted to make my feelings known before the fast approaching hearing on the matter. Please do all you may to NOT ALLOW this practice in our state.

Tim Leonard wrote by email on February 24, 2006 from Leot1089@aol.com

I am extremely supportive of the DNR and their proposal of not allowing fenced hunting. That is not hunting it is target shooting. Let those people that want to kill (notice I did not say harvest) go to the carnival and win a bear. Hunting is a sport and we should always remember that. I started hunting deer hunting 36 years ago in Brown County and that was hunting and not killing.

Alan Schoeff wrote by email on February 24, 2006 from alanschoeff@sbcglobal.net

For most of my life, I have been a 'common' hunter. That is to say that I bought my license, went to the woods and hunted within the law without much consideration for how other people were hunting. As I began to mature as a hunter and a citizen, I realized there was a danger lurking in the gray shadows of legislation.

I am talking about the insidious industry frequently referred to as "hunting preserve" or "canned hunting". These businesses have nothing to do with hunting. They have everything to do with greed and sloth. The greed of people who care little about the resources that they rape and the sloth of people who do not understand the heritage, traditions and spirit of hunting.

The non-hunting public has overwhelmingly spoken against these killing fields. The hunting organizations of the State have nearly all spoken out against the process. I am asking that you be my voice and support the proposed rule to BAN CANNED HUNTING as the DNR has written it.

Jim Price wrote by email on February 25, 2006 from price@pwrte.com

I am against all fenced hunting because of the health issues of CWD and ethical issues especially for our youth who are hunters in the future.

Grant Benson wrote by email on February 25, 2006 from Grant.Benson@dunkinbrands.com

I would like to submit my brief comments for the hearing on the permanent rule to ban canned hunting. I am in full support of the proposed rule as the DNR has written. Please consider my comments as part of the Public Hearing Comment Process in support of the permanent and immediate ban of canned hunting here in Indiana.

Debbie Fray wrote by email on February 25, 2006 from Dunedoer@aol.com

I urge you to ban canned hunt farms in IN. This "business" is despicable and a disservice to real hunters who follow and advocate for fair-chase.

Janette Teevan wrote by email on February 25, 2006 from jmteevan@hotmail.com

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana.

Canned hunts involve the shooting of animals in a fenced enclosure for a fee. Canned hunt operators and deer farmers breed deer, elk, and other big game animals, hand rear the animals so they have no fear of people, and release them into a fenced enclosure to be shot and killed. Many hunters have criticized canned hunts for being unethical and the practice has been completely or partially banned in 19 states.

Canned hunting is NOT true hunting -- its more akin to target practice on live animals and its a disgusting and abhorrent practice that should be completely banned in our great state! And the fact that these people actually make a PROFIT from this revolting practice is even harder to believe. Please do everything in your power to stop canned hunting in Indiana!

Martina Rukavina wrote by email on February 24, 2006 from mrukavina@earthlink.net

I am vehemently opposed to canned hunts! Please ban canned hunts in Indiana!

Robin Zwick wrote by email on February 24, 2006 from Zwick@kconline.com

I am an adjacent land owner to one of these operations and I want this banned for many different reasons. But my most important reason is to protect my children and family. I have this on two sides of my property

and feel It is not safe. I have three deer stands that face my property, within close proximity to the boundary fence. A hunter can come in for a one day hunt and not know where my children are. Also what is the shooting abilities of someone that has to pay to shoot a deer in IN. Next I feel it brings down the property values of all of the homes that surround this. I have a 10 foot fence on the boundary line. I also feel it is inhumane to kill a caged animal that can not get away. And last why take a risk of spreading CWD to our native deer in Indiana. We do not know enough about CWD to take this risk. Who is going to pay for this when this spreads to the native deer. The Canned hunting preserves? Why risk our native deer for a handful of preserves. This has been wrong from the beginning, and because of a loop hole they have allowed it. All of these preserve have come into business under a loop hole that has always been wrong. Stand firm and Ban Canned hunts.

Howard Hess wrote by email on February 24, 2006 from skiphess.outdoor@sbcglobal.net

This is let you know that I oppose high fenced hunting and that I support the Indiana Department of Natural Resources to ban it beginning this year.

Terri Doxtater wrote by email on February 24, 2006 from doxpotater@comcast.net

I am fully support the DNR's permanent rule to ban canned hunting.

Please consider my comment as part of the Public Hearing Comment Process in support of the permanent and immediate ban of canned hunting in Indiana.

Eric Funk wrote by email on February 24, 2006 from emf9544@hotmail.com

I would like to submit my brief comments for the hearing on the "permanent rule to ban canned hunting". I am in full support of the proposed rule as written by the DNR. My opposition of "canned hunting practices" stems from a personal love of hunting sports. I feel it is a matter of ignorance and laziness that any so called sportsman would consider stalking pinned animals "hunting".

The reality from my perspective is that the people profiting from canned hunting are in essence being just as inhumane to animals as those who fight chickens or dogs for monetary gains. Essentially those in charge of canned operations are creating an easy access situation to kill animals that are as defenseless as cow kept in a field.

Another area of concern is the potential spread of disease and genetic disorders amongst the "pinned" population. The potential to introduce disease into the wild population is in effect higher then typical rates of disease in a "natural" herd. This situation is disheartening and discouraging to Hoosier hunters who carefully plan, study and observe herds in the hopes of harvest.

I am an active duty military member and Indiana is my home. My love for the sport of hunting and white tail deer has been respected and supported by the existing ban against so called "canned hunting". I hope my support and comments will help you in your pursuits to support the constituents of this area.

Please consider my comments as part of the Public Hearing Comment Process in support of the permanent and immediate ban of canned hunting here in Indiana.

Jane Weatherford wrote by email on February 24, 2006 from jane@bchumane.org

I am a citizen of Brown County Indiana and am strongly opposed to canned hunts. Please ban canned hunt farms in Indiana.

Terry Bowling wrote by email on February 24, 2006 from tbowling63@iquest.net

I wish to express to you that I'm 100% against any form of hunting behind high fenced operations. I find this to be killing and not hunting in the form it is intended. Thank You for allowing me to express my feelings.

Wayne Kirkham wrote by email on February 24, 2006 from wskirk@juno.com

I, as well as all the members of the Rolling Prairie Conservation Club Inc., support the DNR rule to ban Canned Hunting. Treasurer of the Rolling Prairie Conservation Club Inc.

Jerry Wheeler wrote by email on February 24, 2006 from ctewheeler@aol.com

Please consider this a comment for Monday's rule hearing on DNR's proposed ban of high fence hunting. I support Director Hupfer's rule to ban high fence hunting. I believe high fence hunting is a disgrace and reflects badly on the good people of Indiana. I fear the continued transport of domestic deer will bring chronic wasting disease into our state. Please uphold the DNR rule.

Albert Matzat wrote by email on February 24, 2006 from amatzat@comcast.net

I support the DNR decision to Ban Canned Hunting of Deer. It is in no way the same as bird hunting on preserves. The birds are not restricted to the area. They can fly anywhere they desire to escape the danger of being shot. I am a hunter and trapper and believe in doing it like a true Sportsman. The thrill of the chase.

Diann Gonsorek wrote by email on February 24, 2006 from dianng@adsnet.com

"BAN CANNED HUNT FARMS IN INDIANA" Let the Animals died with dignity in their old age. Why not have canned hunts for Inmates on Death Row? They deserve it, the Animals don't.

Donald Jordan wrote by email on February 24, 2006 from djordan4@mindspring.com

This email is submitted in support of the Ind. Dept. of Natural Resources ban on canned/high fence/preserve shooting of confined animals as proposed by Dir. Kyle Hupfer. This type of "hunting" diminishes the image of traditional hunters and could lead to the loss of hunting as a means of controlling animal numbers. Canned hunting also relies on "game farms" to produce "shooter bucks" for customers, and those game farms are the central source of the spread of Chronic Wasting Disease in North America.

John Haendiges wrote by email on February 24, 2006 from kevinhaendiges@earthlink.net

I would like to express my total support for the recent IDNR decision to ban high fenced shooting preserves, particularly those that feature whitetailed deer, elk, and exotics, and at this time ask that the decision be upheld. I am totally against these ghastly places and desire their **immediate** closure. The vast majority of both hunters and the non-hunting public of our state have repeatedly voiced their opposition to such abattoirs, and only their owners and a few greedy investors want them to continue to exist. The recent debacle involving the Bellar incident has given our state a black eye nationwide, and the people of Indiana have no desire to incur another one. Please do not support any legislative attempts to legalize them.

Clarence Williams wrote by email on February 25, 2006 from asats@sigecom.net

I fully support the IDNR decision on closing the cervid "shooting preserves".

As a long time deer hunter in the state of Indiana I would like to voice my opinion on "cervid farming" and "preserve shooting" in the state of Indiana.

I do not believe that wildlife should be sold to the highest bidder. It is my opinion that the commercialization of wildlife will doom the sport of hunting. Therefore I am opposed to any cervid

farming for the purpose of selling the animal to be shot on the facility or transferred to another facility to shot for sport.

I do not have a problem with cervids being farmed for the expressed purpose of meat, velvet, urine or semen.

Hunting already has a rough row to hoe fighting off the anti-hunters and trying to recruit more hunters. We do not need anything that casts a bad light on hunting.

There is no doubt in my mind that ANY penned "hunting", canned or otherwise, will be used by the anti-hunters as further proof that we hunters care about nothing but killing. Of course nothing could be further from the truth. But, that will be ammunition for them.

Deer hunting is already a big business sport in the state of Indiana where hunters contribute close to \$200 million to the economy yearly. To jeopardize that resource by allowing just a few to make money on selling "antlers" is beyond my thinking.

There is mounting evidence that deer farms in other states have contributed to the spread of such diseases as CWD. I do not believe that it would be wise of the IDNR to take that chance, no matter how small we think it is, with our beloved whitetail deer herd.

John Krukemeier wrote by email on February 25, 2006 from kad@in.net

I am in full support of "canned hunts" as I am all moral free enterprise. HOWEVER, in no way is this "hunting" in a sporting sense. Therefore, the word "hunting" should not be used in any way to describe this activity so as not to associate it to the activities of true sportsmen. It should be referred to as "canned shooting" or "canned killing".

Please consider my comments as part of the Public Hearing Comment Process concerning canned hunting here in Indiana.

Brian Thorpe wrote by email on February 25, 2006 from bmthorpe@comcast.net

I would like to submit my brief comments for the hearing on the permanent rule to ban high fenced hunting. As an avid hunter and father of two daughters who enjoy the traditional sport of hunting. High fenced hunting is not an ethical means of taking animals and is in my opinion not considered fair to the animal being pursued and I am in full support of the proposed rule as the DNR has written. Please consider my comments as part of the Public Hearing Comment Process in support of the permanent and immediate ban of high fence hunting here in Indiana.

Rick Miller; James Crowe; David Crowe; Jeff Sadler; Tom Luttrull; Cindy Weber; Lee Weber; Micheal Weber; Nathan Ash; Chrissy Ash; Chris Newman; Kerri Bittner; Brian Bittner and bluffmaster@hotmail.com joined with these comments:

I oppose the DNR rule that attempts to shut down the legally operating preserves and game farms in Indiana. The DNR gave WRITTEN APPROVAL for these operations and now ONE individual is trying to shut them down. The public meetings fully supported the game farmers, sportsmen and preserve owners by a margin of 254 to 73. Please overturn this rule.

Bruce Brandenburg wrote by email on February 26, 2006 from brucebrandenburg@hotmail.com

I oppose the emergency rule that DNR is trying to enforce on the cervid industry.

P.S. Please note that I will be sending numerous e-mail's from this account on others behalf. They do not have access to computers or the internet.

The persons joined in his comments were as follows:

Cindy Brandenburg; Levi Brandenburg; Scott Brandenburg; Phillip Cooper; Edith Cooper; Jeff Lindley; Susan Lindley; Helen Wesner; Regina Brandenburg; Dave Schmucker; Jesse Schmucker Jr.; Jonas Schmucker; Larry King; James Schmucker; Jacob Graber; Noah Schmucker; Ben Schmucker; Enos V. Lengacher; Jacob Graber; Samuel Graber; Ron Baker; Marlin Graber; Wilmer Lengacher; Robert L. Graber; Verna Graber; Raymond Graber; Amanda Marie Graber; Ernest Lengacher; Jonas Lengacher; Steven Lengacher; Christ Lengacher; Neal Brandenberger; Jonas Graber; Elden Graber; Ruben Gonzalez; Annetta Lengacher; Joe Wehr; Rebekah Bates; Danny Wehr; Racheal Payne; Linda Johnson; Ed Johnson; Lindsey Smith; Marion Sanders; JR Fields; Mike Stice; Gerald Rea; Paul F. Duncan; Chris Smith; Bill Doris; Billy Northern; Jeanna Carroll; Dawn Howell; Tanzy Davis; Deb Morrison; Donna S. West; Carol Johnson; Barbara Annon; Melissa Bryson; Pat Brutcher; Nancy Reynolds; Patricia Reynolds; Allen Reynolds; John Miller; Melvin M. Miller; Lydiann Miller; Melvin Miller; Enos Graber; Joan Graber; Nathan A. Schwartz; Stephen E. Graber; Laura Graber; Marvin A. Schmucker; Ada Mae Schmucker; Martis Lee Miller; Marlene Miller; Mark Alan Miller; Leanna Kay Miller; Leon Graber; Mary Graber; Elmer Miller; Barbara Miller; Raymon Lee Graber; Kathryn Graber; Edwin Lengacher; Leroy Graber; Leona Lengacher; Leona Lengacher; Wilmer Graber; Betty Ann Graber; Jonas Graber; Emma Graber; David Abbot; Drew Landers; Sarah Cottier; Erin Lengacher; Steve Eicher; Dan Wickey; Reuben Girod; Edna M. Durham; Raymond Graber Jr.; Matt Starster; Marlin Lengacher; Martin Schwartz; Mervin Lengacher; Lavern Graber; Nick Wyss; James Hilty; Jonas Graber; Nathan Conrad; Leroy Graber; Chris Lengacher; Melvin Lengacher; Chris Miller; Lyvianna Miller; Ernest Graber; John Bee Miller; Stephen Miller; Noah Miller; Samuel Miller; Lewis Miller; Richard Bowser; Matthew Schwartz; Daniel Schwartz; Marcus Miller; Eddie May; Pauletta May; Joey Lawson; Angie Lawson; Brad May; Tiya May; Mitch May; Stanley May; Shirley Nolan; Shirley Nolan; Wayne Odum; Pauline Odum; Janet Odum; Jeff Goforth; Tammy Goforth; David Shifflet; Tammy Shifflet; Andy Shockdale; Tony Jackson; Beth Jackson; Brennon Goforth; Dave Gasser; Carletta Gasser; Pete Coffman; Tim Homes; Teala Homes; Jerry Barns; Brenda Barns; Dwight Bricker; Lisa Bricker; Jim Homes; Charlie Tobey; Jason Kahls; Mike Davis; Nick Jones; Jessica Ribbins; Vicki Haven; Robert Kittrel; Chris Haven; James Haven; Amanda Gay; Joe Nisley; Lou Ella Nisley; Nadine Nisley; Nadine Nisley; Arlen Nisley; Elaine Nisley; Marlene Nisley; Karen Nisley; Michael Nisley; Mark Nisley; John A. Yoder; Ruth A. Yoder; Glen Yoder; Glen Yoder; Linda Yoder; Galen W Yoder; Joas Lehman; Mary Sue Lehman; Kyle Jay Lehman; Jeremy Lehman; Julie Lehman; Mahlen Bontrager; Lorellen Bontrager; Glen H Lambright; Sue Ann Fry; Wayne V. Fry; LaVern Fry; Rita Lincks; Ricky Lincks; Tammy Elliott; Travis Elliott.

The following persons commented by email from rita53@msn.com: Troy Gardner; Ted Favi; Mike Brent; Rita D. Strader; Robert W. Strader

I sincerely reject DNR Director Hupfer's attempt to shut down 300 cervid farms in Indiana by issuance of his Proposed Rule Package. Please vote against its adoption.

Lee Fritz wrote by email on February 27, 2006 lfritz@maplenet.net

When I as thinking of starting my high fence operation, I had 3 local CO's and 1 Sergeant from the DNR office here. We discussed all the details on what I could hunt and how to go about it. We talked about different scenarios and that I could hunt whitetail deer as long as we used weapons in season, hunted during proper season and the hunters purchased Indiana deer hunting license. I thought I pursed the proper channels to start my business adventure. I have been a farmer all my life and started raising whitetail deer in 1998 for another source of income. I have been doing the put and take upland game bird hunts since 1998 as well. I thought with all of these adventures it would add some added value to the farm land as well as leaving cover for the wild animals for the state. All the corporate farmers in my area are clearing fence line after fence line and drainage ditches so there is no cover for the wildlife. I thought I was doing good to give the wildlife some cover and give hunters a safe place to hunt.

I totally reject DNR Director Hupfer's attempt to shut down cervid farms in Indiana by issuance of his Proposed Rule Package.

The following persons commented by email from lfritz@maplenet.net: Tammy Fritz; Cody Fritz; Cassidy Fritz; Dan Spromberg; Chad Renk; Phil Steele; Staci Manges; Chase Manges; Corie Manges; Mandy Austin; Eric Austin

I totally reject DNR Director Hupfer's attempt to shut down cervid farms in Indiana by issuance of his Proposed Rule Package.

Gene Hopkins; Jerry Andrews; Mike Weiler; Michael S. Weiler; Nelson French wrote by email on February 25, 2006 from ghopkins@hsonline.net

Please register my opposition to the Shooting Preserves, and in strong support of the DNR plan in opposition to these.

Stan Jackson wrote by email on February 25, 2006 from ccs7637@insightbb.com

As a member of the NRA, I would like to voice my opinion to ban canned hunt farms in Indiana.

Jeffrey Scott Townsend wrote by email on February 25, 2006 from jestowns@indiana.edu

As an Indiana citizen, taxpayer, educator and hunter. I am appalled and disappointed our state would allow canned hunts. I AM A TAXPAYER AND I DO NOT SUPPORT CANNED HUNTS.

Dean Farr wrote by email on February 25, 2006 from dafarr@comcast.net

I would encourage you to uphold the INDR rules regarding "canned deer hunting." Canned deer hunting violates the ethic of fair chase, encourages the ownership of public resources, and has been linked to the spread of CWD. Indiana can be a national leader in this issue by eliminating canned deer hunting. Please support the permanent ban of canned deer hunting.

Mary K. Rothert wrote by email on February 25, 2006 from mrothert@indiana.edu

I write in support of the current ban on confined hunting and ask that you make this ban permanent. It is in the best interest of the hunting sport, hunters, and the safety of the wildlife population in Indiana.

Carroll Henneke wrote by email on February 25, 2006 from josiehenneke@msn.com

I am fervently in support of the proposal to ban canned hunting in Indiana and urge the Director of the Department of Natural Resources and the Governor to stay the course and not bend to the onslaught of power politics. It is refreshing to witness the correct response to this issue and for all of the "right reasons".

Hazel Sharno wrote by email on February 25, 2006 from ednmeo@sbcglobal.net

I feel that there is no problem for the canned hunting and vote for it . It's no differant than state park hunts where the public feeds the deer by hand then they line up and shoot them vote yes foe me.

Brian Humphreys wrote by email on February 25, 2006 from humphreys@airhop.com

I am in favor of banning fenced in deer hunting. However, shooting preserves should NOT be tied to this bill.

David Dunnuck wrote by email on February 25, 2006 from ddunnuck@sbcglobal.net

I am adamantly opposed to canned deer hunting operations in Indiana or anywhere else for that matter. I have appeared at the public discussion meetings and spoken out against it.

It is ridiculous to compare canned deer hunting to a bird hunting preserve. No one hunts birds inside a covered cage at a hunting preserve. On an average day 25% - 50% of the birds raised fly away unharmed. Deer inside a 10' fenced hunting area can only run so far. A pheasant can fly off the property of a preserve and survive. Deer inside a canned hunting preserve do not have that opportunity. It is absolutely guaranteed they will be hunted again and again.

There are over 100,000 deer killed in Indiana annually. There is ample opportunities to hunt for them. There is no need to to hunt them in fenced environments. The people wishing to do so are just too lazy and impatient to hunt deer in an appropriate fair game manner like a real sportsman.

Darry Bird wrote by email on February 25, 2006 from Parrotheadindy@aol.com

I support the DNR's efforts to ban Canned Hunting. Canned Hunting goes against every law of natural wildlife conservation.

Kristen Weiler wrote by email on February 25, 2006 from kristen_weiler@hotmail.com

Please register my opposition to the Shooting Preserves, and in strong support of the DNR plan in opposition to these.

David L. Baker wrote by email on February 25, 2006 from Davidlouisebaker@aol.com

I wish to voice my disgust at the intent of this law. The idea that the rich are allowed to legally ride into a fenced area and shoot any species of animal is inhumane and a sham to the word "hunting". I hunted as a kid but do not do it any more due to age and changing interests but the intent of the law is intollerable to say the least. Please defeat this law and the intent of it NOW.

Jean Prebis wrote by email on February 25, 2006 from Jeprebis@aol.com

Please do what you can to ban canned hunt farms in Indiana. There is no sport to this. This should never be allowed or encouraged by DNR.

Alana Bauman wrote by email on February 25, 2006 from sbauman@netnitco.net

How could anyone possibly go for this idea if you have any sense of humanity in you.

Tracy Horn wrote by email on February 25, 2006 from tnc101@yahoo.com

I wanted to send a message that I am opposed to canned hunting and I appreciate all the efforts that DNR is making to prohibit this type of activity.

Christopher Bauer wrote by email on February 25, 2006 from christophercbauer@yahoo.com

As a hunter, I want you and the IDNR to stop the practice of high fence hunting and commercial deer and exotic animal farms in Indiana.

The DNR should regulate ALL activities involving game species (deer should never be considered livestock to be regulated under farming rules).

Live deer or other game animals should not be allowed to be transported into the state, because of the risk of chronic wasting disease - as well as the future diseases that have not yet manifested themselves yet, but will likely come.

The State (our tax money) should not be used to compensate commercial game farmers or hunting ranches for the taking of their animals, investments or diminishing their future income.

Judith E. Kelly wrote by email on February 25, 2006 from dog.kelly@verizon.net

I urge that high-fenced hunting in Indiana be eliminated as early as practical.

The hysterical alarms suggesting that such legislation will shut down hunting of all deer in the state of Indiana, and potentially cause the loss of some 350 family farms and businesses in Indiana, is just that; hysterical.

The demise of businesses that do prosper because they are organized around unethical practices should not be lamented.

I suggest that the majority of Indiana citizens, hunters or not, would agree that we must ensure that all hunting in Indiana is done in an ethical manner and in a way that conforms with long-standing fair chase ethics.

Gail Patrik wrote by email on February 25, 2006 from gcpatrik@yahoo.com

I am definitely opposed to any canned hunts!

Dr. Holly Stocking wrote by email on February 25, 2006 from stocking@indiana.edu

I'm writing to register my strong opposition to canned hunts in our state. There are so many reasons to oppose this. But my own opposition stems from the fact that the animal welfare issues are huge as is the confinement of animals that fosters wasting disease. PLEASE DO NOT ALLOW THIS TO GO FORWARD.

David Baker wrote by email on February 25, 2006 from Davidlouisebaker@aol.com

I wish to voice my disgust at the intent of this law. The idea that the rich are allowed to legally ride into a fenced area and shoot any species of animal is inhumane and a sham to the word "hunting". I hunted as a kid but do not do it any more due to age and changing interests but the intent of the law is intollerable to say the least. Please defeat this law and the intent of it NOW.

Loren Heinlen wrote by email on February 25, 2006 from heinlen@kuntrynet.com

Regarding 312 IAC 9-3-2; 312 IAC 9-3-18.5; 312 IAC 9-10-21 as I understand them (after several readings) these rules prohibit hunting of whitetail deer that are possessed by those with a game breeders license and significantly restrict or prohibit keeping and hunting exotic species in Indiana.

For the health our wild deer population and the future of our hunting heritage, you have my support. These are rules move us in the right direction.

Joseph Madej wrote by email on February 25, 2006 from jam_bow2000@yahoo.com

This 'canned hunting' issue has me really worried about the future of hunting in Indiana. It has been proven that there is great risk in chronic disease spreading from this type of management, as in the Colorado elk.

The deer are fed and baited in an enclosure only to be led to their death. Where is the 'fair chase' factor? It is cruel not to let an animal have a fair chance. Is the success of the hunt to be measured by the hunter with the most money? Our DNR has been successful in managing our deer from almost non existant in the 50's to a healthy herd of today. The DNR is knowledgeable. They oppose canned hunting. Give their knowledge some thought. Save the future of hunting, if not for us, for our grandchildren.

Nadine Allee wrote by email on February 25, 2006 from twanean@midwaynet.net

I was upset that there are efforts to override the DNR emergency rule on canned hunts in Indiana.

Canned hunting is unethical, hunters and conservationists will agree and be embarrassed our state chose to be influenced by the contributions taken by the elk and deer farmers.

It is shocking to compare the list of deer farmers and shooting preserve owners against the list of political contributions. Someone really needs to check the connections very carefully.

Owners of preserves charge thousands of dollars for the guaranteed kill. The kill is easy, there is nothing fair about hunting a socialized animal. It is illegal for game breeders to sell the animals (exotic, cervids etc) to game farms. They claim they are regulated by BOAH. This is not true.

CWD is spread through transmission of captive cervids. It has cost the state of Wisconsin dearly. We cannot take the chance of exposing our wildlife to CWD. Our tax money needs to be spent preventing problems, not inviting them.

Buying, breeding and shipping of cervids and exotics needs to cease. The fenced hunting needs to be banned immediately.

Steve Stamper wrote by email on February 25, 2006 from steve.stamper@insightbb.com

No way should canned hunting be allowed in this state or any other. I'm 53 years old and been hunting since I could walk and I'm extremely sickened by the stigma placed on true hunters by this cowardly practice. Hunting for big game should ALWAYS be 100% fair chase, 100% wild!

Greg and Clare Oskay wrote by email on February 25, 2006 from oskay@surf-ici.com

We would like to go on record as being oppose to canned hunting, deer "farming" and the transportation of deer from one location to another. The high concentration of deer at these so called hunting facilities is prime for spreading CWD. Considering the amount of money that other states are spending to fight CWD, Indiana can not afford to allow these operations continue any longer, let alone another seven years. We are a hunting family and depend on venison for the majority of our meat supply.

Jack Hyden wrote by email on February 25, 2006 from indianabeaglersalliance@yahoo.com

I am president of Indiana Beaglers Alliance. The Alliance is totally against Director Hupfer's attempt to close 300 deer farms and hunting preserves thru administrative rule change. Please do not advance IDNR's proposal.

Nancy Tatum wrote by email on February 25, 2006 from penguinet@worldnet.att.net

I am writing to express my deep felt opinion regarding the proposed amendment to continue hunting of animals that are in contained areas, otherwise known as "canned hunting". I can't understand why any person would find it even closely resembling a "fair" sport considering these animals have nowhere to run but to the end of the fence line. This type of hunting takes virtually no skill other than being able to pay alot of money. Please add my name to the long list of those opposed to canned hunting. I support the Indiana DNR in stopping this ludicrous excuse for a sport.

Jim Breeden wrote by email on February 25, 2006 from Taunus@att.net

I am writing to express my opposition to the so-called "Canned Hunting" being proposed for Indiana. The very idea of crowding animals into fenced enclosures so that those with little or no skills can take pot shots at them flies in the very face of what is hunting. It is also cruel to the animals. I believe that this travesty has no place in this great state. I support the DNR in stopping "Canned Hunting".

Morgan Smith wrote by email on February 25, 2006 from smithmr3@muohio.edu

Regarding DNR Director Hupfer's attempt to shut down three hundred cervid farms in Indiana by issuance of his Proposed Rule Package, I strongly disagree. Please vote against its adoption.

Kryzia Watt wrote by email on February 26, 2006 from kryzianwatt@yahoo.com

Have compassion for our wildlife...Stop canned hunts, please.

Charles Lowe wrote by email on February 26, 2006 from woodsnwater@psci.net

Please support the high fence hunting farmers! Keep it legal and don't let the animal rights folks have their way.

Gary Shay II wrote by email on February 26, 2006 from wallhangerhank_95@yahoo.com

I would like you to consider this e-mail in lieu of my public comment for I will not be able to attend due to a death in the family. Please know that I support the Indiana Department of Natural Resources' decision, or proposal, to ban the activity in Indiana. We strive to do the right things in life, and I feel this is one of them.

Danny Everage wrote by email on February 26, 2006 from daneverage@insightbb.com

I would like to express my support for the DNR effort to outlaw "canned hunting" in Indiana. Putting whitetail deer on a plane with sheep and goats as domestic livestock is repugnant to me. Hunting them behind fences is taking the treatment of deer to a disgusting level.

As a lifelong hunter and lover of the outdoors I admire deer both for their hardiness and ability to survive changing habitat. The focus of the DNR should be to manage the deer herd in Indiana to match the habitat, human tolerance and safety and maintain the wildness of this great renewable resource. My sons and grandsons will grow up to regard whitetail deer with admiration much easier if they remain "wild" animals. Please persevere in your efforts to keep deer in Indiana "wild". Thank you-from a devoted Whitetail hunter.

Kenneth Scroghan wrote by email on February 26, 2006 from (k_scroghan@yahoo.com)

Please, Please continue to oppose the hunting and killing of pinned and/or fenced in animals. It is not fair to the animals, and it is not what I would consider "fair chase".

Randy Holman Schmidt wrote by email on February 26, 2006 from peshewa@iquest.net

Please let those in attendance, and with the power to correct injustices to stop the canned hunting. Not only is it infantile, for the men that take part in it, but it is genocide of wildlife. We are all connected in the universe whether we have fur, feathers or skin, or scales. Such negligent behavior is without any need of food, is destroying part of the natural order and balance. I see no difference in the canned hunting than I do in genocide of the Jew in concentration camps, or Native Americans be slaughtered by small pox blankets, or shot down in cold blood and thrown in mass graves. Such atrocities should not be permitted. These kind of individuals through ignorance or negligence, whichever, would continue to destroy until there is no

living thing left. They are under the mistaken impression, that to do so gives them power, or standing. They look mighty small in my eyes, and so much smaller in the Creators.

Marty Mart wrote by email on February 26, 2006 from dalefan46161@yahoo.com

I am totally opposed to this practice of Canned Hunting, it's in the same category as dynamiting fish.

I no longer hunt, due to physical problems, but I still cannot image resorting to the Canned Hunting practice. Please eliminate this practice in the State of Indiana.

Dan Felix wrote by email on February 26, 2006 from dfelix22000us@yahoo.com

I am fully in support of the ban on fenced hunting. Like so many other true sportsmen, I am against selling wildlife to the highest bidder. Among other rules, a rule can be made that states specific deer cannot be sold, but ways will be found around that rule. Just look at the former Bellar operation, the "hunting preserve" that was once the "poster child" of the preserves. Mr. Bellar would release two bucks in the pen, and one of them would have the antlers cut off so the "hunter" would know which one to shoot. There are plenty of opportunities for deer hunting in this state. While I believe we do not need fenced deer hunting, I am not against the raising of deer for purposes other than fenced hunting.

Sandra Ross wrote by email on February 26, 2006 from zan14@optonline.net

Canned hunting is an obscene practice for those who are lazy as well as unprincipled. Any state that allows this practice seriously undermines their image as an ethical participant in our national conscience.

Melba Patberg wrote by email on February 26, 2006 from patberg@hotmail.com

Canned hunting is not right for elk and deer.

Susan Ogg wrote by email on February 26, 2006 from sueogg@msn.com

Please ban canned hunt farms in Indiana. This is slaughter, not sport and I feel it is extremely inhumane.

Karen Jameson wrote by email on February 26, 2006 from KMJ55598@aol.com

I am against the so called "canned hunting". Please, if there is anything you can do to stop this, I would certainly appreciate your doing so. I wish I could go to the hearing on Monday, but unfortunately, I can not. I wish the law were already passed against this and our wonderful state was not in any way involved in this behavior.

Please vote no on the "canned hunting" in the state of Indiana. I feel strongly enough against this to take the time to e-mail you which is a first for me!

Don Trumpower wrote by email on February 26, 2006 from DTTrumpower2@aol.com

This hurts the fathers and grandfathers that are trying to teach young people to right way to hunt and to respect what we have been given vote against this proposal and do away with this type of hunting.

Brandon Hammond wrote by email on February 26, 2006 from brandonandstacy@sbcglobal.net

I my self and the rest of the true hunters I know just want to say that we believe that "canned hunts" are unethical and unhumane. These are not fair chase hunts.

Deborah Cantwell wrote by email on February 26, 2006 from DCantwell119@aol.com

I want to let you know I am not in favor of Canned Hunting. I believe it is cruel and inhumane and must be stopped permanently. Please include my comments in the hearing record if possible.

Heather Brehob wrote by email on February 26, 2006 from heatherbrehob@comcast.net

I am opposed to canned deer hunting. Not only do I find it unethical, it has detrimental effects on our wild deer population.

I am supporting the DNR in their efforts to stop canned hunting. I have already contacted my legislator, Robert Behning.

Chris Keeley wrote by email on February 26, 2006 from drjdrk@msn.com

I am opposed to the legitimization *or* "grandfathering" of any and all shooting/hunting preserves that involve the taking/harvesting of captive deer, captive wild or exotic mammals.

The deaths afforded to the animals killed on these fenced "preserves" are neither hunting nor acceptable management of domesticated livestock.

Please take measures to uphold the current DNR ban on these so-called hunting/shooting preserves. Let these preserve owners figure out creative ways to turn a profit that doesn't involve hawking captive animals for live targets to wannabe trophy hunters. Many of the operators list bed-and-breakfast lodging, wildlife tours and photography among alternative services they provide---the DNR ban would not infringe upon any such aspects of these businesses' "agritourism" trade.

Rodney Perdew (rperdew@hotmail.com); James Smith (jdsmith296@sbcglobal.net) wrote by email on February 26, 2006:

I totally disagree with DNR Director Hupfer's attempt to shut down 300 cervid farms in Indiana by issuance of his Proposed Rule Package. Please vote against its adoption.

Jude Spiller wrote by email on February 26, 2006 from Organicjude@aol.com

ABSOLUTELY NO LEGALIZED CANNED HUNTING OF CERVIDS and EXOTICS. No special deals for operators **to continue to buy, breed, and ship cervids and exotics for any amount of time.**
Operators cannot restock animals effective immediately!!

Mark O. Thomas wrote by email on February 26, 2006 from mark.o.thomas@navy.mil

I've been a bow hunter nearly all my life - I support the captive shooting ban by IDNR.

David Ash wrote by email on February 26, 2006 from Indianavoter@wmconnect.com

I am writing to inform you that I OPPOSE the DNR's emergency rule and attempt to shut down and cripple over 300 family farms and businesses. Much less take away yet more hunting opportunities from sportsmen. Game farms were built with "written" permission from the DNR and now "one" person is trying to change that. The public meetings held on this issue was hugely in favor of the game farms.

Please Overrule the DNR's attempt to invade private property rights, small businesses and take away yet more opportunities for sportsmen.

Julie Bernhardt wrote by email on February 26, 2006 from gardentoad@peacemail.com

This is a horrible practice and the farming of these animals has been known to spread wasting disease among our wild herds. Please do not allow this practice in Indiana.

Rodney Bruce; David Ash; Glen Newman; Bobette Ash wrote by email on February 26, 2006 from bluffmaster@hotmail.com

I oppose the DNR rule that attempts to shut down the legally operating preserves and game farms in Indiana. The DNR gave WRITTEN APPROVAL for these places to start and now ONE person is trying to shut them down.

Steve Adang; Jackie Adang; Ross Adang; Robert Plew; Joann Plew; Rich Humke; Patricia Humke; Tim Zwick; Robin Zwick; Taylor Zwick; Conner Zwick; Barbara Kintzel; Rose Kerr; Kevin Kerr; Laurie Kerr; Margaret Menzie; Phillip Menzie wrote by email on February 26, 2006 from sadang@kconline.com

Although I and many of my neighbors cannot make it to the 2/27/06 hearing, we just want to let you know that we support Director Hupfer's decision to ban canned (high fenced) hunting, and to make this rule permanent. We live adjacent to or around one of these operations, and it has caused more turmoil in the past 2 years than anything we have ever dealt with. This nuisance goes far beyond the "fair chase" issue and addresses other issues such as safety of neighbors and their animals, noise, traffic, parking on the roadways, harassment by the owner, videotaping our legal activities, CWD issues, proximity to a state park, as well as the improper "fit" in any neighborhood setting.

Most of us have attended the prior DNR hearings, and have seen how they bus the Amish and out of state persons there to influence the decision making process. Please don't be swayed by those that have no legitimate connection or have a right to give the input on this issue. We are truly affected neighbors of this nuisance and have a genuine reason to voice our opinions. We applaud Director Hupfer's decision, and support making the rule permanent. EVERYONE LISTED BELOW LIVE ADJACENT TO OR 1/4 MILE FROM THE PIERCETON, INDIANA FENCED IN OPERATION OWNED BY KEN MCINTOSH.

Tim Zwick also commented on February 27, 2006

The high fence hunting has been illegal all along, these operations have charged "trespass fees, over night stay fees" for the hunting of the deer. Why because they all knew if they charged for the deer they would be breaking the law! These operators took a big chance that they could keep skirting the law, and shouldn't cry foul with right decision the DNR has made.

Please uphold the rules the way they should have always been, thanks for clearing up the "gray area". I oppose the high fence hunting.

Stephen Osborne wrote by email on February 26, 2006 from sgtmaj@evansville.net

As a voter and hunter here in Indiana am opposed to any type of canned hunting in this state. Let big money go to Texas to do there killing without having to work for it. I have seen cannnd hunting in Texas, and it made me sick. This is not sport but a way to make money off people that have it and are too lazy to get out in the wild and work for their kill.

Olivia Roth wrote by email on February 26, 2006 from oliviamargaret18@hotmail.com

I want you to know that I OPPOSE canned hunting of any animal. The possibility of deer from farms passing Chronic Waste Disease is too great. As a health care professional, this bill should die. I support the DNR and its quest to be responsible for this. Wildlife is not livestock. My husband is a hunter and he also opposes this bill. Thanks, Denise PS, farm fish can swim away, deer behind a fence cannot and those who are tranquilized well you do the math.

Maria Rodriguez wrote by email on February 26, 2006 from spydee99@hotmail.com

I am deeply disturbed by efforts to override the DNR emergency rule ban on canned hunts in Indiana. Believe me, when animal welfare advocates, hunters, conservationists, newspaper editors and the DNR agree an activity is unethical, it IS. Most Hoosiers who understand what is involved in these commercial enterprises are adamantly opposed to fenced hunting. Unfortunately, legislators do not listen, but are blinded by friendships AND large contributions offered to them by elk and deer farmers. Comparing lists of game breeders (deer) and shooting preserve owners against a list of political contributions, one is struck by the substantial funds poured into legislative and administrative coffers. This is very disturbing to constituents and begs investigation.

Providing captive animals to be killed by "hunters" oblivious to "fair chase": is a lucrative business for preserve owners who charge thousands of dollars for the easy shot and guaranteed kill. Owners of small deer breeding farms, presuming to act under game breeders permits, have been selling shooter bucks to game preserves. The sale of these socialized animals by game breeders for hunting purposes is ILLEGAL. Claiming their cervids as livestock, these small farm owners are now under the jurisdiction of BOAH and allowed to sell venison, urine, semen and other cervid by-products.

It is a fact that CWD has been spread through transportation of captive cervids. Indiana has become a high risk state for this fatal disease as it spreads to Wisconsin, Michigan and Illinois. Wisconsin has spent millions of dollars attempting to contain the disease with a vast impact on the state's wild herds. Will Indiana be next? Will our taxpayers assume costs for monitoring captive herds for disease and pay indemnities for animals destroyed?

There is no doubt in my mind that members of this commission have heard all the arguments against shooting preserves. You are all aware of the atrocities discovered on the Bellar game preserve.

I ask that fenced hunting be banned IMMEDIATELY, not grandfathered and coddled through seven more years of barbarity. Game preserve owners have already been WELL compensated for any investments.

Travis Dotterer wrote by email on February 26, 2006 from tdot@insightbb.com

Please continue your efforts for a ban on "canned" hunts in Indiana. Canned hunts are a disgrace to the spirit of "fair chase" in hunting. Our heritage and traditions demand the sport of hunting should reflect fair chase and deny canned hunts as an assault on such heritage and tradition.

In addition, there should be no "grandfather" clause for existing facilities. These facilities represent a very serious economic threat to a vibrant industry in our state. CWD would cause millions of dollars to be lost to the industry and at the same time cause other millions to fight it.

These facilities need to be shut down under strict DNR controls and oversight to insure the safe dissolution of their inventories.

Helen Fletcher wrote by email on February 26, 2006 from hletcher7@yahoo.com

I strongly protest any consideration of exploitation of helpless animals for the pleasure of selfish people who have no compassion for anyone except themselves. Please do whatever is necessary to defrat this proposal.

Randy Mountz wrote by email on February 26, 2006 from randymountz@hotmail.com

1. ABSOLUTELY NO LEGALIZED CANNED HUNTING OF CERVIDS and EXOTICS

2. No special deals for operators to continue to buy, breed, and ship cervids and exotics for any amount of time. Operators cannot restock animals effective immediately

Mike Hartigan wrote by email on February 26, 2006 from MHartigan@vinu.edu

I am in support of IDNR decision on closing cervid "Shooting Preserves". Thank you for considering this measure.

Robert R. Baldwin wrote by email on February 26, 2006 from bbaldwin@indy.net

I'm writing to express my opposition to canned hunting in Indiana as well as all hunting in State Parks. I am outraged that for the past few years there has been bow hunting of deer in Fort Harrison State Park. Other states and metropolitan areas have found non-lethal ways of culling deer population. It's time Indiana entered the 21st Century instead of pretending we were still a frontier outpost. If hunters need food, let them purchase it like everyone else at a grocery store.

Steve Bauman wrote by email on February 26, 2006 from sbauman@netnitco.net

How can the DNR even think about this?

Joe Bacon wrote by email on February 26, 2006 from Jbwhttail@aol.com

I would like you to consider my support for The Indiana Department of Natural Resources and Director Hupfer on the Emergency Rule considering closure of High Fence shooting preserves for deer and all exotics. Please inform the Natural Resource Committee the citizens of Indiana do not want this blight in their back yard.

Jerri Burton wrote by email on February 26, 2006 from danbgypsy@sbcglobal.net

As a lifelong Hoosier, I am ashamed that this practice exists. We need to end it!

Christopher T. Crame wrote by email on February 26, 2006 from Kissagator@aol.com

As the DNR hearing officer involved with Senate Bill 314, I would like to say that I am opposed to canned hunting and I support the DNR's proposed rule changes. Canned hunts have never been a good idea, and amending it into another Senate bill is not going to change that fact. What's to stop someone from raising an endangered animal "behind high fences" and "hunting" it? Animals deserve better treatment than what this bill is proposing. The state needs to adopt a permanent rule to end canned hunting.

I hope this email will give those responsible within the decision making process something to think about. Thank you very much for your time today.

Tom Zeller wrote by email on February 26, 2006 from tomzeller@insightbb.com

It's inhumane and unsporting.

Duane Long; (rlongotr@bluemarble.net); Becky Long (dlong@indianaelkmeat.com); Wyatt Long (dlong@trackmylead.com) Jarrett Long (elkfarm@hotmail.com) wrote by email on February 26, 2006:

I would like to submit my comments for the hearing on the permanent rule to ban high fence hunting. I am against the proposed rule as the DNR has written. Please consider my comments as part of the Public Hearing Comment Process. High fence hunting should be allowed here in Indiana. These Deer and Elk are Private Property; they are not Indiana's Natural Resources. Private property taxes are paid on these animals; our farms are governed by the Indiana Board of Animal Health Dept. The Indiana Dept. of Natural Resources should have no jurisdiction on Deer and Elk privately owned.

Kenneth Long; Erlene Long; wrote by email on February 26, 2006 from cannongun2001@yahoo.com

High fence hunting for Deer and Elk should be allowed in Indiana.

Susan Haislip wrote by email on February 26, 2006 from rhaislip@earthlink.net

Please be advised that as a citizen of the State of Indiana I support the DNR's proposed rule which will make high fenced hunting illegal. This proposed ban sends a message that Indiana will not support unethical hunting practices and it protects the health of Indiana's native species and the ethical Hoosiers sportsman who consume them.

Barbara E. Kintzel wrote by email on February 26, 2006 from bkintzel@kconline.com

Please support the opinion of the State DNR and keep the canned shooting galleries at bay. This is not hunting and has to stop.

Bob Cauffman wrote by email on February 26, 2006 from CO1NWIND@aol.com

I would like to take this time to express my opinion in canned hunting, within the state of Indiana. Hunting is defined as fair chase, not shooting animals that have been drugged, baited and fenced in, to where they cannot get out. I hope that there is enough intrust in stopping the canned hunts within the state of Indiana once and for all.

Ross Clark wrote by email on February 26, 2006 from RCLARK7611@aol.com

I HAVE BEEN A HUNTER FOR ALMOST 50 YEARS, BELONGED TO THE NRA FOR OVER THIRTY YEARS, A LOCAL ARCHERY CLUB FOR 35 YEARS AND THE INDIANA BOWHUNTERS ASSOC FOR OVER TWENTY YEARS. I WANT YOU TO KNOW THAT I DO NOT WANT THESE HIGH FENCE KILLING AREAS TO BE ALLOWED IN OUR STATE. (YOU CAN'T SERIOUSLY CALL THESE HUNTS). THEY CAN ONLY HURT THE IMAGE OF SERIOUS HUNTERS AND COULD BE THE SOURCE OF DISEASES THAT COULD DESTROY OUR NATIVE WILDLIFE. PLEASE LISTEN TO OUR D.N.R.

Bandy Russell wrote by email on February 26, 2006 from bruss3@indiana.edu

In opposition to the canned hunts or to heavily regulate complete with identification tags to have complete tracking of each animal and make it cost them big bucks to operate and generate some income to the state...there may be some validity in this type of hunt as pheasants hunters have found...but not if it is to detriment natural populations. If regulations can not be enforced then a total ban is in need.

Suzanne Knee wrote by email on February 27, 2006 from sknee@insightbb.com

I am bewildered how any individual that calls himself (or herself) a hunter, finds the pleasure of shooting an animal in what realistically is someones back yard. There is no challenge, no skill involved. It is simply destruction of defenseless animals. Would that same individual find entertainment in shooting a neighbors dog?

Charlotte Read wrote by email on February 27, 2006 from reads@skynet.net

My husband and I support the rules being proposed by DNR that would ban "enclosure hunting" for deer, elk and other exotic animals.

Rachel Jones wrote by email on February 27, 2006 from drjdrk3@verizon.net

I support the DNR's current ban on the ("canned") hunting of captive mammals (including white-tailed deer and other cervidae, or any other furbearing or exotic mammal species) in our state, and hope that you will do the same.

Please uphold this emergency rule immediately and do not allow for grandfathering of existing hunting preserves, which have operated under the radar of the law for many years. The hunting preserve owners have had more than enough time to recoup their investment in this shameful enterprise and the state needs to send a loud and clear message to them all: cease and desist!

Kenny Yeck wrote by email on February 27, 2006 from xrebel1611@gmail.com

Canned or Ranch hunting I believe should be allowed to those who can afford to do such a thing. I believe it would produce more revenue as well as more of a guaranteed chance to harvest a trophy class whitetail! If I could afford to hunt such a place, it would be nice not to have to go out of state to do such a thing.

Randolf Mellinger wrote by email on February 27, 2006 from rmellinger@LAGRANGESD.COM

Out law it. It is not even real hunting and will jeopardize my kids right to hunt.

Amy Monesmith wrote by email on February 27, 2006 from amy@blackpowderretrievers.com

I am writing to you concerning Senate Bill 0077. I am opposed to closing down the hunting preserves that have been outlined in the bill. Thank you for your time.

Scott Wilson wrote by email on February 27, 2006 from ico701@earthlink.net

I am not in favor of canned hunting. It is unethical and popular with only a few. I will not support any of my legislators in the future who may vote in favor of this bill.

Daryl Krause wrote by email on February 27, 2006 from daryl.krause@dgkllc.com

As a member of the Indiana Bowhunter Association, a land owner in Indiana and an avid sportsman. I congratulate Indiana in taking a stand against the shooting of game animals in captivity in this state. That is not a sport. It leads to problems for the natural herd like CWD. We should act quickly and swiftly to extend the temporary ban on such activity and make it permanent.

Greg Drennen wrote by email on February 27, 2006 from GDrennen@lorwil.com

I have recently been made aware of a proposed rule by the IDNR to ban canned hunting. As a long-time hunter in Indiana, I fully support the proposed permanent ban on this kind of unethical hunting practice. It goes against everything I believe in as a hunter, and undermines the image of the hunters in our State. Please include my comments as part of the Public Hearing Comment Process in support of the permanent ban on canned hunts.

Cliff Carley wrote by email on February 27, 2006 from elk4u@carleyelkfarm.com

I want to show my support for the cervid farmers in this state. The state stands to lose hundreds or thousands of dollars in taxes if this goes away.

James Campbell wrote by email on February 27, 2006 JCCamp3186@aol.com

This is not hunting by any stretch of the imagination and - as history has illustrated - only perpetuates the "stretching" if not completely breaking Indiana laws set to protect and govern the lawful taking of our wildlife. Subsequently, the risk of introducing and spreading of infectious disease is too great to ignore.

I'm not saying anything that hasn't been said before. The Indiana State government gave the IDNR jurisdiction over OUR wildlife. Let's not let the politicians change that when it suits their purpose. No to canned hunting.

Charlie and Sachiko Wiles wrote by email on February 27, 2006 cwiles@peacelearningcenter.org

As a proud Hoosier and citizen of Indiana I strongly encourage you to work in whatever capacity possible to stop the arcane and inhumane practice of canned hunting in our State.

Ronald Hughes wrote by email on February 27, 2006 randshughes@hotmail.com

Concerned, responsible, "Fair Chase" deer and elk hunters, who spend millions of dollars annually in both Indiana and Kentucky are having to lobby both states DNR Wildlife agencies to prevent the spread of Chronic Wasting Disease. The illegal transport of deer and elk from western states has been a threat to our herds for several years. The practice of buying potentially diseased big game animals for use in the less than ethical "deer farm" operations is more distasteful than the existence of the high fenced game hunting. The hunters and wild life conservationists (who are also voters) are asking the IDNR to "NOT SUPPORT HB 1329" Indiana's deer herd and I thank you for caring for us.

Stephen Hoeflerle (coachhoferle@yahoo.com); Kellie Warrne (kelliewarren2001@aol.com)

I support the efforts of the late Mrs. Yeager in banning the canned hunt.

Chuck and Kathy Brinkman wrote by email on February 27, 2006 from cbyak@yahoo.com

We are absolutely against canned hunting. No exceptions, rule changes, etc.

There are way too many valuable conservation resources spending too much time on this disgusting issue. There are so many other topics that need support. One would think our legislators would feel the same way.

Kevin Clark wrote by email on February 27, 2006 from clark46176@yahoo.com

I would like to see the continued support against captive cervids being hunted.

Dave Echert wrote by email on February 27, 2006 from dwecher@us.ibm.com

I wish to express my thoughts on the Indiana DNR's proposal against canned hunting.

I have strongly supported this ban in the past and will continue to do so. Unfortunately I don't think the DNR can win this in the long run because there is way too much money involved. Money will eventually win out over ethics.

I have written before on this and believe that the way to handle the problem is with regulation. Let these people have their high fence hunting but require that ALL animals within the enclosure have ear tags. Conduct routine inspections and if any animal is without an ear tag it is a \$100,000 fine for the first offense and increases for continued offenses. If an animal from one of these operations is caught/harvested outside the enclosure you have the same fine structure. Basically you could make it so that very few people could afford to run an operation like this. We need to make sure we control CWD and with fly by night operations there is no way you can control it.

Now if the proposal from Rep Wolkins to shut down bird hunting you will lose me as a supporter.

Andrew Latham wrote by email on February 27, 2006 from lathama@lathama.com

I have some comments on the topic of the caged/canned (Its such a mess I can't even think of the legal term.) hunting in Indiana.

As someone that hikes, camps, and boats on Indiana's parks, lakes, and private lands I enjoy the outdoors. Hunting is not a new thing to me and I have in the past hunted rabbits, and deer. I enjoy clay and target shooting with my family and friends when I get a chance. I have grown up with firearm safety as my

friends and family include local law enforcement trainers and officers.

How does the Caged/Canned/whatever hunting affect the state fence law? Should this issue be set aside so that the safety and infrastructure is properly questioned first.

Should proper distance from interior/exterior fences from existing residences be defined or should these business men not adhere to other industry safety rules?

Why do other states understand and work to stop sources of the Constant Wasting Disease more actively than Indiana?

Elizabeth and George Wilson wrote by email on February 27, 2006 from geobet@iquest.net

We do not believe in hunting animals confined in a "preserve". It is unethical, inhumane and unsportsmanlike. We do believe in culling over populations of deer by licensed hunters during DNR sponsored hunts.

Jonnie Boone (jonnie@naelk.org); Steve Musick (steve@bigvelvethunting.com); Louis Horschel (Louis.Horschel@hbpilc.com); Duke Layfield (slayfield@sunlitsurf.com); Dawn Berhorst (berhorst@osagecon.missouri.org); Doris Bennin (dbennin@dotnet.com); Lloyd and Peggy Hogg (lazyhelk@shawneelink.com); Daryl Szyska (SzyskaDar@aol.com); John Murrell (JRMurr4422@aol.com); Clint Evans (elk4sale@worldnet.att.net); David Autry (elk4sale@yahoo.com); Glenn Dice (glenndice@innernet.net); Gary Queen (elktalk83810@hotmail.com); Derek Workman (derek_workman@hotmail.com); Jerry Smith Smith (KJSmith@kconline.com); Morgan Michelle Smith (mms_lion_1995@hotmail.com); Karen Smith (karen_smith38@hotmail.com); Sandy & Butch Mattingly (ssm1116@aol.com); Chuck Hartley (clh1mm@bellsouth.net); Kevin Hinkebein (Kevin.Hinkebein@mo.usda.gov); Sheri Witte (nbwhitetails@yahoo.com); James Campbell (JIMCI831@aol.com); Richard Patterson (Rgpsisters@aol.com); Troy Gardner (rita53@msn.com); Donna Azcarraga (maconcreteconstruction@msn.com); Betty Cole (Wewilly56@aol.com); and Kurt Rogers (kcrogers@dreamscape.com) commented similarly:

I totally reject DNR Director Hupfer's attempt to shut down 300 cervid farms in Indiana by issuance of his Proposed Rule Package. Please vote against its adoption.

Persons shown immediately below (and terminating with a mark *****) joined with this statement and offered supplemental comments as individually attributed.

Tom Van Witbeck (tom_vanwitbeck@onewest.net)

The proposed rules would shut down all of the cervidae farms in the state. Most of the farms impacted by this rule package are family owned and have found the raising of cervidae to be one of the few options available to keep the family farm profitable.

Rich Sitarski (Rich@smgsecurity.com)

I am an avid hunter and cervid farmer. I support the DNR and I also support business competition in the United States of America.

Please do not destroy the American spirit and the American will to compete.

Support for shutting down private business and private farms takes away an individual's right to free market.

Ted Winters (BOULDERVALLEYELK@aol.com)

It is crucial that you vote against DNR's, Director Hupfer's attempt with his proposed rule package, that would put approximately 300 cervid farms in Indiana out of business. This will also have a damaging effect on cervid farms nationally. Please vote against its adoption.

Rebecca Poor (rsp@ccrtc.com)

Thank you for your consideration on this matter of importance to many Indiana cervid farmers. My young nephew and his wife have invested thousands of hours and dollars into their cervid farm operation and would be totally ruined financially if their efforts and investment were to be for naught.

Arlen Helterbrand (arlen@tds.net)

I do not agree with Director Hupfer's directive to shut down 300 cervid farms in Indiana. Please vote against this directive. The state of Indiana should be encouraging business activity, not allowing some stupid bureaucrat, that was not elected and answers to no one, to kill it.

Cody and Cindy Mikalunas (colekman@hotmail.com)

These cervid farms are taking over where a lot of the old farms are gone, they are a portion of the agricultural industry today. What is going to keep the farms going if you try to shut everything down?

Grant Seale (sealeelkgroup@shaw.ca)

Please, please vote against DNR's Director Hupfer's attempt to shut down the cervid industry in Indiana.

This is an awesome & viable industry. As a producer this decision would be catastrophic. I don't agree with it in any way, shape or form.

Pat Hctor (animalfinder@thnet.com)

I feel it is only reason is to help create a monopoly for the DNR on hunting, and receiving income directly or indirectly from animals other than typically raised in captivity animals. I question if this is not a violation of the fair trades act of the United States, and if this denial of a form of lively hood, that was legal in Indiana, will not be a taking as per USDI vs. decided by the supreme court years ago when USDI wanted to stop farmers from doing certain activities on their land due to endangered species. It was decided that if they did so then the landholders must be compensated for this loss of use by USDI.

Marty, Paula, Joshua, and Noah Woods wrote by email on February 28, 2006 from Marty Woods
martywoods@insightbb.com

I am a taxpayer and voter in the state of Indiana, more importantly I am a mother of an eight year old boy and a step-mother to a 13 year old boy. My husband and I are not hunters and are actually very supportive of the Humane Society and have supported many other animal rights groups in the past, we are a lover of animals but, we do eat animals and enjoy their nutritional value for our family. Without our prompting our boys have developed a passion for hunting, as you know we cannot "choose" our path for our children so instead of refusing and denying their passion we decided to educate ourselves and support them in the safest and most rewarding way. We have been fortunate to have the opportunity for our children to attend educational and safe weekend hunts at White Oak Elk ranch, they attended a 10 hour hunters safety classes and taken tests to prove they have both the knowledge and skill to hunt. My husband who has no interest in hunting himself has put in the hours by their side to give them support and to be involved in their interest and development, he has learned a great deal himself and has enjoyed the camaraderie of the group as much as our boys. As a mother I had many concerns, especially for their physical safety; in a controlled environment with the care and compassion of the owners and professionals at White Oak, I can sleep well the nights they are gone hunting. To see the pride on their faces and the kinship they share with the other males, I actually feel left out of the "pack", but I am extremely grateful my boys are growing in a positive and rewarding environment and learning to be respectful and self sufficient young men. The value of

having our boys put the meat on our table goes way beyond the meals we share; in a world where kids can so easily go in the wrong direction and so many boys don't have the right role models and aren't sure how to be "men" I know our boys are learning lessons that will carry them on into manhood and they can pass on this heritage to the next generation. I support the high fence hunting ranch's, I am not prepared to let my children hunt outside of this option, not because I don't trust their ability, because I don't have the assurance that others out there have had the education and experience that my boys have been afforded. Please reconsider passing the law banning this activity.

Mike Ohlmann wrote by email on February 27, 2006 from mike@mikescustomtaxidermy.com

The notion of the IDNR Director Hupfer putting over 300 Indiana cervid farms out of business by issuance of his Proposed Rule Package goes against the grain of freedom, agricultural diversity, and small business. Please vote against its adoption.

George G.Bogie wrote by email on February 27, 2006 from CHIRODEER@aol.com

I am STRONGLY against DNR Director Hupfer's attempt to shut down 300 cervid farmers in my state of Indiana by issuance of his proposed rule package. This man is on a Ego trip and must be stopped before he destroys the lives and livelihood of over 300 farmers and their families.

Eric P. Ellingson wrote by email on February 27, 2006 from eric@earthsourceinc.net

As an avid outdoorsman of which hunting is an important facet, I support the DNR Rule to ban Canned Hunting. Hunting is a skill that combines a knowledge of the outdoors and of the desired specie. Canned hunting removes the skill and knowledge required to be a successful hunter and replaces it with a value system based upon immediate gratification. This is a dilution of the conservation ethic passed on by my father (mentor in the field) and an erosion of the values I attempt to instill in my daughters, who as avid hunters enjoy their time in the field learning about nature and the environment as much or more than harvesting an animal.

Lulu E. Tellkamp wrote by email on February 27, 2006 from Nora Baker [ThePhantom@tds.net]

I would like to vote with the IDNR to abolish the 'canned' deer farms. Sure not very sportsman like, cruel to animals and bring in disease, since they do not follow the rules.

John Yeager wrote by email on February 27, 2006 from john.yeager@thomson.ne

I wish to express my concerns over the canned hunting bill. I feel that canned hunting is a function (I don't consider it a sport) that Indiana can do without. No fare chase, tame animals that have been forced to rely on humans for food and water, a situation that enhances the possibility of wasting disease and a history of drugged and penned animals with no where to escape. It's not hunting. It is however an industry that supports everything that is unethical to those who actually hunt and follow fare chase ethics.

Nate Howett wrote by email on February 27, 2006 from nahowett@warsaw.k12.in.us

I support IDNR's ban on canned hunting, and believe the ban should be made permanent.

There is clear evidence linking the spread of CWD to high fence hunting operations nationwide, and such operations in Indiana pose a real threat to the wild whitetail herd from CWD. Furthermore, data from audits done in Wisconsin and Michigan have demonstrated wide-spread violations of herd reporting and license regulations in those states by members of the high fence industry.

Recent escapes of elk and red deer from Indiana high fence facilities demonstrate a real threat to the native eco-system which may result from uncontrolled releases of exotic species.

For these reasons and many more, I support IDNR's ban on high-fence hunting operations and support making the ban permanent.

Corey Ervin wrote by email on February 27, 2006 from cervin@cpsc.k12.in.us

I believe, as did Paula Yeager former (late) executive director of IWF, that this is a very barbaric and inappropriate sanction of events and activities that should be put to a stop. Paula was a influential advocate for this cause and I want to be sure that my voice is added to many others in this fight to pass the law to ban this horrible act.

Cindy Snyder wrote by email on February 27, 2006 from csnyder@co.steuben.in.us

I oppose any type of fenced hunting.

Eric Smithburn wrote by email on February 27, 2006 from Smithburn.1@nd.edu

I strongly support the DNR Rule to ban "canned hunting." Frankly, the concept of "canned hunting" is barbaric, indecent, devoid of sport and should be resoundingly rejected on grounds of public policy.

John Goss wrote by email on February 27, 2006 from gonefishing53@earthlink.net

I just wanted to make a couple of specific language suggestions for the rule.

Please make certain that the language on the exotics clearly exempts white tail deer and other native species such as otters.

Also the title of the rule should refer to cervids.

Dave Marshall wrote by email on February 27, 2006 from ICTDave@aol.com

I have a family farm. (since an 1812 land grand) I'm trying to make a living with elk. This farm has never made it. Please do not shut down elk farms.

Laurence Armstrong wrote by email on February 27, 2006 from aplusweldg@aol.com

I whole heartily hope and pray that you vote against the shut down of the Cervid farms in Indiana. Please tell Director Hupfer that we don't need his rules. Please vote against this adoption.

Joe Arbach wrote by email on February 27, 2006 from pjagency@sbtc.net

Please vote against any adoption, by Director Hupfer or anyone else, that would restricts or eliminate cervid farming!!

Kim Kafka wrote by email on February 27, 2006 from kdiamondk@mtintouch.net

I disagree with Director Hupfers attempt to shutdown cervid farms in Indiana by issuance of the proposed rule package. I was part of the Govenors Rule making Commit in Montana and have seen firsthand the effects of such rules. Please vote against its adoption. Havre, Montana

Milly Konieczny wrote by email on February 27, 2006 from runwest8@earthlink.net

I am in total disagreement with this issue!

Larry Horn wrote by email on February 27, 2006 from ljh4299@yahoo.com

I understand HB1329 which is on the Indiana legislative docket would allow canned hunting for deer and elk. I am against canned hunting for any type of wild game. Here in southern Indiana we recently had a situation in which many deer were killed by some stupid juveniles who didn't know any better. Hopefully they will be prosecuted to the fullest extent of the law. I know this is not the same as canned hunting but when you see the end result is it really that different. So my point is simply keep the laws the way they are now and enforce them. DON'T change the laws so people can simply HARVEST wild game. I am against HB1329.

Alan Rau wrote by email on February 27, 2006 from alrobrau@sbtc.net

DNR's director Hupfer's attempt to shut down 300 cervid farms is totally wrong. In this day and age, diversification is an only means of survival for many, in the agriculture industry. Please vote against this attempt to put innocent ranchers out of business.

Bob Northrup wrote by email on February 27, 2006 from northrup@1010internet.com

Please allow deer and elk farms to continue to function, its nice to believe that we still live in a land that we are free.

Tami Grandia wrote by email on February 27, 2006 from aussieposse@direcway.com

Please vote against the DNR Director Hupfers proposed rule package that will shut down 300 deer farms in Indiana. Deer farming is a way to diversify the family farm and is a legitimate agricultural activity.

Richard Spanton wrote by email on February 27, 2006 from rspanton@randmglobal.com

As Vice President of the Wisconsin Commercial Deer And Elk Farmers I would like to respectfully say the We as a group totally disagree and reject the idea of Director Hupfers attempt to shut down 300 cervid farms in Indiana by issuance of his proposed rule package Please vote against its adoption. As the owner and operator of a elk farm in Wisconsin and a Manufacturing facility It is hard enough to compete globally let alone to have to worry about our own system. Please make your decision on scientific fact and not on rumor and media hype any Questions Please contact me. We in Wisconsin have been the leaders in the information on this point I have personally been to Washington and will continue to educate the public with facts and not hype.

Scott Langohr wrote by email on February 27, 2006 from coplenconst@kconline.com

I oppose IDNR's proposed administrative rule change banning hunting under the Deer Breeders permit.

Chris Spall (chris_spall@msn.com)

I oppose IDNR's proposed administrative rule change banning hunting under the Deer Breeders permit.

Turn the game pens and hunting preserves into a positive for the state of Indiana. The state of Indiana used to be a leader in the Wildlife management community throughout the country. There are those that don't have private property or state ground close to home to hunt on, or sometimes feel like they are safe from other hunters. The game pens fill this niche. With the DNR's close involvement, the game pens can be financially beneficial.

Mary Boyles wrote by email on February 27, 2006 from wayneenforcement@yahoo.com

I am totally against canned "hunting" as in my opinion, this is not hunting at all. Anyone who can only shoot a deer that has been raised in captivity and is drugged, is not a hunter. Anyone who takes part in this type of activity should hang their heads in shame. The only ones I would excuse would be those children who previously took part in this type of activity because their parents/guardians thought there was no other

option. But...an Indiana Conservation Officer proved them wrong by giving them another option. This type of activity is morally and ethically wrong and is only about money! I very strongly support the ban!!!

Jerry Moll (jxm2@akc.org) and Tom Rusinack (rusinatg@grace.edu) wrote by email on February 27, 2006 or February 28, 2006:

I oppose IDNR's proposed administrative rule change banning hunting under the Deer Breeders permit.

Charlie Fritz; Barbara Fritz; Josh Fritz (Farmerj13@aol.com); Doug Workman (workmandoug@hotmail.com); Mary Workman (maryworkman@hotmail.com); Lamar Borkholder; Lonnie Borkholder; Gene Borkholder (workmandoug@hotmail.com); Jim Heasley (jheasley@indy.rr.com); Morris N. Earle Sr. (hunter_trailman@yahoo.com); Barbara Earle (snowbird7758@yahoo.com); Steve Fielder (sff@akc.org); Louis and Pierrette Girard (lpgirard@telusplanet.net); Marilyn Miller (mrs_dave@hotmail.com); Steve Holm (sholm@plymouthfoundry.com); Jessie Schroder (jschrodes@hotmail.com) Charyl Zeisloft (c_zeisloft@hotmail.com); Julia Bowen (jbowen@plymouthfoundry.com); Ronald L Ramsey (RAMSEY_RONALD_L@Lilly.com); Damon Kustes (damonkus@yahoo.com); Margaret Seale (mseale@shaw.ca); Harry Whitehead (GunnersTaxidermy@aol.com); similarly wrote by email on February 27/28 2006:

I oppose the Whitetail Deer and Exotic Mammal Rule Package LSA #05-261.

Machel Heeren wrote by email on February 27, 2006 from mheeren@insightbb.com

Please urge lawmakers to put a stop to the unethical practice of canned hunting.

Eric Robinson wrote by email on February 27, 2006 from robinson@regalpointelk.com

Please register my strong objection to the proposal by Director Hupfers that would close over 300 Cervid farms in Indiana. The Cervid industry provides strength and diversity to agriculture and is a valued commodity.

Virgina Hormel wrote by email on February 27, 2006 from ginnyh@earthlink.net

Please continue to oppose canned hunts in Indiana. Canned hunts are unethical and inhumane and I am strongly opposed to them and want them banned in Indiana. This is the most inhumane treatment of animals that I can possibly imagine. Please put a stop to this inhumanity immediately.

Darren Chase wrote by email on February 27, 2006 from dtchase@wptc.us

I oppose IDNR's proposed administrative rule change banning hunting under the Deer Breeders permit. When regulated properly, I see only good things that can come from these type of hunting facilities.

Donald Darnstaedt wrote by email on February 27, 2006 from donalddarnstaedt@sugardog.com

I believe canned hunting will not improve the sport. Next people will want to use explosives to acquire more game with less work. I would like to vote no on canned hunting.

Jack Countryman wrote by email on February 27, 2006 from jcountry@insightbb.com

Count me opposed to canned hunting and the fenced deer/elk/etc farms where the animals are raised in confinement to be hunted for profit. I also count the re-classification of these animals to 'domestic' to get them out of DNR regulation (as proposed in a current bill) one of the funniest ideas in a long time, and clearly an attempt by the deer farmers to do an end run around DNR regulations. Do the legislators proposing that bill really keep these animals for pets?

Doug Phillips wrote by email on February 27, 2006 from DugIN61@starband.net

I am writing to voice my concerns regarding a meeting which took place today, Feb. 29, 2006. It is my understanding the meeting consisted mostly of deer farmers complaining about the way their potential financial futures have been taken away.

They have known since the beginning that deer farming and hunting was risky to say the least. Now that the state (ie it's people) have voiced their opinions, that canned hunting of deer is wrong, they want to cry foul. The deer hunters venture into canned hunting is equivalent to a high risk stock purchase. They knew the risk. They also knew the potential profits had their venture continued.

There are many issues involving this topic which have been debated in the past. I do not think any further debate is needed. The majority of Hoosiers are opposed to this type of hunting. Only a few with a financial benefit have continued to push this issue.

I am sorry for the people who will lose money as a result of proper enforcement of current laws. However, as stated above, they knew the risk they were taking. Once again, let me voice my opposition to any type of canned hunting.

John Linton wrote by email on February 27, 2006 from jjvdl@hoosierlink.net

I drove to Indy from Larwill In today just to listen to a bunch of half truths and lies. Dick from the Indiana sportsman roundtable said they conducted a survey recently on this issue. And they had a 99% positive feedback for the rule (Ias 05-261. When I return home I called Doug Bradley of Indiana Bass Federation just to see if Dick call them or contacted them in any way Doug said NO it has been over a year. By the way they are members, and have 3500 + men and women. And Mr. John Goss & and another former dnr person said they have been breaking the law for a long time. If this is true why haven't all high fence hunters been arrested? The meeting at Huntington Reservoir I over heard Kyle Hupfer Talking to another man and I know his name. Kyle said no matter what happens with the deer thing I want you to know I'm for hunting. Why did he waste all of our time and money? Why are the dnr using people that are not constituents such as human society and others to achieve their goals. The sports enthusiast are asking for the opportunity. We have been losing fishing access and hunting access. The dnr are losing support which means lost sales in license. I love my hunting and fishing. Why doesn't the DNR. I oppose rule (Ias 05-261)

Jim and Gloria Taylor wrote by email on February 27, 2006 from jgtaylor74@juno.com

We just want to go on record as opposing this form of hunting. It is neither very sportsman like and can also lead to cases of wild diseased animals.

Amanda Anderson wrote by email on February 27, 2006 from RedKestrelsRage@msn.com

I am writing on behalf of the animals that cannot do so themselves. I am appalled that anyone would even consider making "canned" (fenced) hunting legal. I would think that the adage "shooting fish in a barrel" would immediately come to mind and prevent the matter from being considered for another second. Animals are not toys and they are not here for us to torture for amusement. It is already difficult enough to enforce animal rights as it is, and we do not need to be passing legislation that will allow animal abuse to happen AND to open the gates to more anti-animal welfare legislation to be passed in the future.

I don't see how canned hunting is different than domestic animal abuse. Is it legal for private citizens to simply shoot pet animals they don't want anymore? What makes canned hunts any different? What morally separates them? Passing ridiculous legislation that allows this kind of abuse to happen just opens the door for even more ridiculous and abusive legislation to be passed - is that what sequence we want to initiate? Do we want Indiana to become the Animal Abuse State? I, for one, do not.

I wonder how skilled the people who must participate in a "canned" hunt truly are. Someone who must shoot these retired zoo animals, the proverbial fish in a barrel, must not be a very experienced hunter, and is probably not a very good shot. I can't imagine that they would be able to humanely dispose of an animal like simple euthanasia would. If there is simply no place for these retired animals to go after spending their lives in captivity for our entertainment, don't we owe it to them to humanely euthanize them? It's the least we can do for imposing our will on them until we throw them out like garbage when they no longer are useful to us.

If the kind of people who would consider this awful activity are of the thrill seeking persuasion, then let them bungee jump, cliff dive, or jump from a plane. They're not harming anyone but themselves in this way. If they are so driven by the need to kill endangered species, let them invest in a virtual-reality simulator that lets them blow the brains out of all of the wildlife they can find without actually having to drain more of the valuable, ever-vanishing gene pool of these animals. If they must travel to other countries to safari, i.e. massacre animals, when they bore of native prey, let them travel to Australia to rid the landscape of the feral pigs, foxes, and rabbits that threaten their local wildlife.

There is no reason to allow this abuse to happen when there is something we can do about it. This sort of hunting immediately elicits a negative response from reasonable people: it is because it is morally reprehensible. I implore anyone in a position to ban canned hunting to do so - it should have been done already.

Dawn Stelts wrote by email on February 27, 2006 from dawn@stelts.com

Wildlife management in IN should be under the exclusive jurisdiction of a scientifically informed, empowered, DNR. Under no circumstances should *wildlife* be fenced. Hunters should be schooled in fair chase, this state should protect wildlife from exploitation. Please protect our natural heritage,

Robert Hogg wrote by email on February 27, 2006 from savannahjacob@earthlink.net

Canned hunting should not be allowed in the state of Indiana. Indiana has a strong hunting heritage and this issue should be a done deal. Don't allow it. The director of the DNR should be spending his time and the states money getting families out into the outdoors to hunt and fish especially the youth.

Randall Janson wrote by email on February 28, 2006 from ransombowhunter@aol.com

I am an archery instructor for youth organizations & a Hunter Education instructor. I would like to continue teaching proper hunting ethics to our future hunters (children) through good quality wildlife management. My opinion and request is to continue with the removal of high fence hunting for proper hunting ethics.

Gene Smith wrote by email on February 28, 2006 from smith-gr@comcast.net

Please work to prohibit "High Fence Hunting" in Indiana. It is not hunting in the traditional manner and it poses risk to the health of our native wildlife.

Mike Ohlmann wrote by email on February 28, 2006 from mike@mikescustomtaxidermy.com

Kentuckiana Chapter SCI board unanimously passes resolution on Indiana High Fence Issue:

After reviewing the extensive findings of the chapters committee to review the high fence issue and hunting ban in Indiana the Kentuckiana Chapter board unanimously passed a resolution to support the position of Indiana Deer and Elk Farmers, and the Indiana Farm Bureau.

SCI is a conservation and hunter organization with a stated goal of being "First for Hunters". SCI works worldwide for wildlife conservation, to promote hunting and defend hunter's rights. The Kentuckiana

Chapter serves members in both Indiana and KY and is extremely concerned with the language and actions of IDNR recently related to Deer, exotic ranchers and high fenced facilities that harvest and offer opportunities to harvest animals under circumstances that closely resemble hunting.

The resolution calls for a proactive campaign to refute and condemn as unacceptable the use of the term "Canned Hunting". KYSCI recognizes acceptable definitions of Hunting as; the pursuit of game and game defined as "wild animals hunted for sport or food." It was determined that individual, governmental or public rhetoric to equate slaughter to hunting is misleading much the same as calling poachers, "Hunters" or labeling all automatic weapons as "assault weapons" or certain weapons as "Saturday Night Specials" in order to deceive the general public and advance anti positions.

The board discussed and agreed that:

*IDNR should not have authority over non-wild animals of any species and that by legislation, animals owned as private property should not be considered as wildlife.

*That such alternative livestock should be the responsibility of its owner and that the owner should control and care for those animals under acceptable farming and animal management practices relative to the species.

*That these farmers should be directed solely by the authority of the USDA and Indiana Dept. of Agriculture to insure public safety, proper animal care and serve the best interests of farmers and agricultural commerce.

It was noted that such legislation more closely resembles acceptable practices worldwide with respect to private property rights, and economic incentive to raising and preserving species whose habitat loss, disease and political climate has diminished their numbers and chances in the wild. As well as creates additional resources and a broader incentive base, to study and resolve potential disease issues for wild species currently only supported by diminishing hunters numbers and dollars.

The resolution supports legislation that clearly define and delineate;

Farmers being all those individuals that own manage animals for agricultural and economic purposes.

Game breeders: being those licensed by IDNR to hold, rehab, propagate or otherwise defined by IDNR, wild native or feral species in the public domain.

Hunters: as those persons pursuing wild game.

Animals of any species privately owned as livestock.

Wild native or feral species in the public domain as game.

KYSCI requests similar consideration among regional organizations similarly affected and by Safari Club International via the EC and appropriate committees.

The committee report noted that: Such estates or preserves have existed worldwide for centuries, serving as reserves for restocking wild populations devastated by disease, famine and natural disaster. Preserves and commercially raised stock offer a wide variety of legitimate recreational opportunities at various levels including introductory level situations for those interested in experiencing some of the basic situations related to ethical animal harvest. They also serve as opportunities for animal viewing, education and research, as well as economically sound use of land that might not be suited for more traditional grazing or crop production thereby bringing more public understanding and support for wildlife management.

Committee chairman Mike Ohlmann stated "We feel that SCI taking an active role in this process falls directly in line with our sincere interest in uniting conservation and farming interests. As well as SCI's dedication to preserve and promote hunting and acceptable herd and animal management through commercially acceptable and worldwide successfully used practices."

Indiana Farm Bureau Policy statement: Exotic Animals and Non-traditional Livestock 208.08

Non traditional livestock - cervids, camelidae, tatites and other exotic animals raised as livestock should be subject to the same Board of Animal Health Regulations as traditional livestock. We support privately owned captive cervidae be individually identified as domestic livestock to differentiate them from wildlife. We recognize a property owner's right to conduct hunts on his property. We support accredited captive cervidae (white-tail deer, elk, etc.) farming and hunting.

SCI Policy on Fenced Wildlife (Estate Hunting) Operations May, 2005

SCI supports all legal forms of hunting. It is up to each jurisdiction to determine for itself what standards and practices define legal hunting. SCI will support that determination, country-by-country and state-by-state. Any taking of wildlife that is not within the definition of legal hunting as determined by each jurisdiction is not supported by SCI.

The management of non-domesticated wildlife within high fences has been practiced for many years. The use of high fences to contain wildlife can be a tool for wildlife management, wildlife conservation and for hunting programs worldwide when applied under appropriate conditions.

High fence hunting operations worldwide can offer unique hunting experiences to many types of hunters, including beginning hunters, advanced trophy hunters, elderly hunters, and special needs hunters.

In order to optimize the positive benefits derived and minimize any potential liabilities from high fence hunting operations, SCI advocates the following standards:

1. The high fence hunting industry should develop and adopt industry approved operating standards for high fence hunting operations. Differences in the environment, habitat, species, hunting cultures and current regulations should be considered in developing the standards.
2. The standards must include management practices to effectively address disease issues including a testing program, record keeping of animals that have been moved and any other preventative practices that are considered appropriate for the region and species involved;
3. The hunts conducted must be done under fair chase principles. While it is recognized that there is difficulty in defining fair chase principles for different regions, hunting cultures, species and habitat conditions, these difficulties should not prevent reasonable standards. At a minimum, these standards should provide that all hunted animals have an opportunity to escape into adequate cover and to retain a natural flight response;
4. The standards must include management practices to address the well-being of the animals involved during all phases of the program. This includes the provision of adequate food, water and cover within the fenced area;
5. The standards must include measures to assure the adequacy of the fence itself, including the need for high quality material, adequate maintenance, with regular checks to maintain the integrity of the fences, and a process to deal effectively with escaped animals.

Polly Liebig wrote by email on February 28, 2006 from polly@figmentcreative.com

How horrible and what a challenge (NOT). This is not sportsmanship. Please don't allow.

Eric Barnes wrote by email on February 28, 2006 from ebarnes29@hotmail.com

As a tax payer and buisness owner in the State of Indiana I wish to inform you that I support a ban on the practice and buisness of "Canned Hunting". This in my opinion is a cruel and heartless venture aimed at only one thing and that is an assured profit. Hunting is a sport with a winner and a loser. The adventure is finding out which one is the winner or the loser. Is it the sportsman with his trophy and food for his family or is the the animal with his life to live another day. Canned hunting is just another way to commercialize the hunting industry and turn our wildlands into factories or somekind of real life "arcade game". I vote NO on "Canned Hunting".

Loretta Kulpa wrote by email on February 28, 2006 from kulpa@attglobal.net

I can't imagine any person or persons stooping to the lowest of low to get a trophy for their wall! The persons or person owning such a business should be prosecuted for illegal game trafficking, be they exotic or domestic animals.

Allowing idiots with guns to come onto your property to shoot feeding or grazing animals is in-humane no matter how you slice it.

Andrea Warfield wrote by email on February 26, 2006:

Canned hunting is an archaic form of hunting that needs to be banned as soon as possible. The idea that this is even up for discussion is disgusting to me....

Roberta Hall wrote by email on February 28, 2006 from rkatehall@earthlink.net

PLEASE, NO MORE HI FENCED CANNED HUNTING IN INDIANA!!!! Vote against house bill 1349. How Terrible!! Also stop hunting in State Parks...we never get to see deer in Potato Creek Park anymore.!

Lori Beck wrote by email on February 28, 2006 from LBeck@clarion.org

I am DEEPLY opposed and outraged to canned hunts! Please do not support this proposal!!!!

Dave Willoughby wrote by email on February 28, 2006 from dwilloughby@southernroofinginc.com

Please help the sportsmen of Indiana to stop the shooting of deer and elk behind high fences in Indiana.

Dave Tyndall wrote by email on February 28, 2006 from dtyndall@southernroofinginc.com

I also oppose the game farms here in Indiana. We as hunters do not want this type of operation going on in Indiana.

Becky Lanning wrote by email on February 28, 2006 from lanningb@sbcglobal.net

My family has had among others from my home town in Michigan first hand experience of what "canned" hunting can effect. Our family farm was contaminated by the bovine disease that was brought in from another state when the hunters club shipped in deer so they could hunt. Wild deer and caged (so to speak) do not know that they are not to touch noses and so spread this to others and the cycle continues. Once started there is nothing else to do but destroy your herd and your livelihood. Because the wild animal cannot be held in a controlled environment the whole upper half of lower Michigan has been under quarantine for the last 8 years. Undergoing continued selected testing at the farmers expense to see if they **might** have this bovine seems to be a money making deal for someone even though it is not the small family farmer. It was hard enough to make ends meet and keep the farm going without this fatal blow to many families who did not have anything else to fall back on. Needless to say milk herds and beef herds were no more and so the land and farms are now dying if not dead. I could go on but that is not what you asked for.

Guy Johnson wrote by email on February 28, 2006 from guy-pr@sbcglobal.net

It is important that the DNR attempt to shut down 250 + cervid breeding farms and approximately 15 Indiana hunting preserves be defeated. The DNR could also rescind its proposal, and that would accomplish the same thing.

Why is this important?

- The hunting preserves and breeding farms are Indiana agribusiness industries that provide jobs, income for suppliers – including local veterinarians – and tax income for the state
- Hunting preserves are not “canned hunting” as directly implied by the DNR. Hunting preserves “fair chase” hunting in which animals have room to roam and access to natural cover
- It would be hypocritical for the DNR to shut down private hunting operations while hosting “put and take” and other hunting on its grounds
- Hunting preserves offer safe sporting opportunities for everyone, including disabled hunters. Guides on hunting preserves even make introductions to the sport safe for young hunters.
- Farm-bred deer and elk retain flight instincts
- Farm-bred deer and elk receive veterinary care: this does not exist for animals in the “wild.”

In a time when state government seeks to promote Indiana ag industry, please do not shut down an industry of hard-working families that are promoting the Hoosier hunting heritage.

Dr. and Mrs. Jeff Schkeryantz wrote by email on February 28, 2006 from schk.j@insightbb.com

I am not knowledgeable about canned hunting, but all my instincts tell me it is wrong. I am a granddaughter, daughter and sister of bow hunters and the ethics of my family are clear on this subject. It should be banned! And stay banned! Why this has been brought up again is beyond any reasoning. Why it is still being discussed is unfathomable.

I worked with Paula Yeager, and her passion is still alive in the hunting circles of ethical hunters. DO NOT PROCEED WITH SOMETHING JUST BECAUSE OF MONEY. MONEY IS THE ROOT OF ALL EVIL AND WHEN MONEY IS WORSHIPPED A LOT OF WRONGS ARE COMMITTED. I pray you will see the light.

Sam Butler wrote by email on February 28, 2006 from samrita3213@hotmail.com

I have never hunted in a fenced in area but I see no reason to shut them down as long as the game is treated properly. It looks to me like my government is over reacting again to a few gun haters. I have, since I heard about this, visited several fence operation. The ones I saw took better care of their game than the game in the wild. Please vote against closing these operations. Instead be sure all of them are large enough and have enough cover for the game.

Rob and Teena Gabbard wrote by email on February 28, 2006 from arrow@bpsinet.com

IF YOU ARE GOING TO LEGALIZE RAISEING ANIMALS SO PEAPLE WITH TO MUCH TIME CAN GET RICH OFF OF PEAPLE WITH TO MUCH MONEY THAN YOU NEED TO OPEN UP THE ZOOS AND LET THEM HUNT THERE. MY DAD STARTED ME OUT HUNTING AND HUNTING ETHICS WHEN I WAS OLD ENOUGH TO WALK AND IF I CAME ACROSS A DEER STUCK IN A FENCE I WOULD CUT IT LOOSE NOT SHOOT IT. LL YOUR GONA GET FROM THIS IS THE SPREAD OF CHRONIC WASTE DISEASE AND PEAPLE LEASING HUNTING GROUND

Glen Lange wrote by email on February 28, 2006 from alange@comcast.net

The Indiana Chapter of the Wildlife Society is in full support of the DNR’s proposed rules to ban the canned hunting of White-tailed Deer and other exotic mammals.

The following is the official position of the Chapter as it relates to the hunting of cervids behind fence:

Position Statement on Shooting Wildlife Enclosed by High Fences

Indiana Chapter, The Wildlife Society
Adopted October 23, 2001

WHEREAS, The Indiana Chapter of The Wildlife Society is a professional, non-profit organization dedicated to developing and promoting sound stewardship of wildlife resources and of the environments upon which wildlife and humans depend; and

WHEREAS, the shooting of wildlife behind high fence enclosures that prevent their free movement does not conform to accepted ideas of fair chase; and

WHEREAS, the shooting of wildlife behind high fence enclosures creates a negative public perception of hunting; and

WHEREAS, importing wildlife species into, or maintaining artificially high populations of wildlife species within high fenced enclosures presents a disease threat to free-ranging wildlife and humans; and

WHEREAS, enclosing free-ranging wildlife is in opposition to the long-held tenet that wildlife is a public resource;

NOW, THEREFORE, BE IT RESOLVED, that the Indiana Chapter of The Wildlife Society opposes shooting wildlife species enclosed by high fences.

The Chapter would also like to provide the following fact sheet in support of our professional position that the confinement and artificial movement of cervids presents a serious disease threat to our native and free-ranging White-tailed Deer from Chronic Wasting Disease.

CWD Fact Sheet

What is Chronic Wasting Disease?

- Chronic Wasting Disease (CWD) is an infectious, neurologic disease of cervids, which include deer, elk and moose. CWD is a member of the family of diseases known as transmissible spongiform encephalopathies (TSEs) which include mad cow disease in cattle and scrapie in sheep.
- Most scientists believe that CWD is caused by an abnormal protein called a prion, which attacks the brain and nervous system of the infected animal.
- Infection always leads to death. There is no currently available vaccine or treatment.
- CWD can only be detected with any accuracy by examination of the brain or lymph tissues of dead animals. There is no currently available live animal test that can detect the disease in animals in all stages of the disease.

How is Chronic Wasting Disease Transmitted?

- CWD is both transmissible and infectious. Researchers believe that CWD is spread between cervids through contact with bodily fluids such as blood, saliva, urine, or feces. Environmental transmission is also possible as the infectious agent is extremely resistant to environmental factors. As yet, no habitat or holding pen has been successfully decontaminated.
- Moving infected animals or carcasses from place to place is the most likely transmission method of new outbreaks of the disease and concentrating animals in pens or by artificial feeding increases the likelihood of disease transmission. The movement of live animals is one of greatest risk factors in spreading the disease into new areas.
- The incubation period (the time between exposure and clinical signs of the disease) may be as long as 2 years in deer and 3 years in elk.

What is the Distribution of CWD in North America?

- CWD has now been found in captive and/or free-ranging cervid populations in the following states and Canadian provinces: Colorado, Illinois, Kansas, Nebraska, Minnesota, Montana, New Mexico, New

York, Oklahoma, South Dakota, Utah, West Virginia, Wisconsin, Wyoming, and the provinces of Alberta and Saskatchewan.

- At last report, nine states and two Canadian provinces have had CWD in captive deer or elk – 73 herds in all.
- CWD appears to be spreading -- with the states of West Virginia and New York added to the list of infected states in 2005. Additional 2005 cases of CWD have occurred in Colorado, Illinois, Nebraska, New Mexico, South Dakota, Utah, Wisconsin, Wyoming and the provinces of Alberta and Saskatchewan.

What is the Impact of CWD on Cervid Populations?

- Wildlife disease experts have concluded that CWD will not naturally burn itself out if left alone and that CWD will most likely increase in prevalence and distribution without management intervention.
- Wisconsin estimates, that if left unmanaged, CWD could spread widely and infect (and kill) more than 40% of adult white-tailed deer in that state. In Colorado, wildlife researchers estimate that CWD currently affects up to 15% of mule deer in endemic areas and modeling indicates that CWD will increase and lead to local extinctions.
- The affect of introducing CWD to animals in captive herds is even more devastating, infecting up to 90% of the confined animals in some cases.

Can CWD be controlled?

- Long incubation periods, subtle early clinical signs, absence of a reliable diagnostic test, extremely resistant infectious agent, possible environmental contamination and incomplete understanding of transmission make controlling CWD, once it has been introduced, very difficult or impossible.
- In captive situations, management options currently are limited to quarantine or depopulation of infected herds. And since infected captive herds, in all probability, lead to infected free-ranging deer in the vicinity of infected game farms, depopulation of captive herds does not eradicate CWD from the area and the infectious agent remains in the environment for years to come.
- Managing CWD in free-ranging animals presents even greater challenges. Currently, wildlife agencies are conducting long term surveillance programs to monitor CWD distribution and implementing various types of deer reductions programs, from minimal to aggressive control, to attempt to stem the tide of the disease. As yet, no one has been able to eradicate the disease from any game farm or free-ranging cervid population and the jury is still out on whether or not deer reduction programs reduce the spread of CWD.

Can humans contract DWD?

- The World Health Organization (WHO) and the United States Centers for Disease Control (CDC) agree that there currently is no evidence that humans can contract CWD either by handling or consuming infected deer. To date, there has never been a single incidence where upon scientific investigation a person has been found to have contracted CWD. While the WHO reported that "There currently is no evidence that CWD in Cervidae (deer) is transmitted to humans," the CDC cautioned that "There is not yet strong evidence that such transmissions could not occur." Authorities consistently advise hunters to not consume meat from CWD infected animals.

Management Implications

- Ongoing surveillance, research and culling programs are expensive and divert scarce wildlife management dollars from other needs.
- Deer populations may have to be drastically reduced to control CWD and, to date, even such measures have not stopped the spread of the disease.
- The State of Wisconsin has spent more than \$20 million of sportsmen's license revenue in an attempt to prevent the disease from spreading from the southern part of the state where CWD is prevalent in a 126 square mile area. Their control strategy calls for deer populations to be reduced by as much as 90%.

- If any connection is shown in the future between CWD and human health, then agencies will lose part or most of their only effective tool for deer population control – hunting followed by human consumption of venison. Loss of control over this valuable resource will turn the valuable resource into a huge pest problem.
- Inherent difficulties in managing infected herds and premises underscore the need for aggressive surveillance to prevent movements of infected animals among game farms and proper regulations to prevent wild cervids from being exposed to infected animals.
- There is no substitute for prevention when it comes to managing diseases in free-ranging populations. Once a disease is introduced into wildlife, disease control options are expensive, technologically challenging, labor intensive, unproven and often unpopular with the public.

Phil Ohmit wrote by email on February 28, 2006 from pohmit@ticz.com

On behalf of the statewide Indiana Bow Hunters and the Indiana Deer Hunters Association organizations, we rise in support of the proposed rule to ban the high fence hunting of cervids and exotic animals in Indiana.

In recent years I have heard the deer farmers state that no one from the DNR has ever told anyone that it was not legal to hunt white-tailed deer behind high fences. Prior to my retirement in 1995, and as the Executive Officer for the DNR Law Enforcement Division, I received a telephone call from Dr. J. Bradley Thruston, M.D. He is a member of the Deer Farmers Organization. He stated that he possessed and held captive white-tailed deer in a fenced in enclosure under a game breeders license, and he desired to have them hunted regardless of the Indiana deer hunting seasons. He was informed at that time by me, that although he possessed a game breeders license, the permit did not allow the hunting and killing of captive white-tailed deer. In 2002 Dr. Thruston again contacted the DNR with the same question. In a reply letter written on September 20, 2002 Executive Officer Jeffrey Wells stated that "Under IC 14-22-20, game mammals can be possessed, bought or sold for propagation purposes only. A game breeders license does not authorize the license holder to hunt a protected species (i.e. white-tailed) deer held under this license. In addition, white-tailed deer possessed under a game breeders license may only be sold "for breeding purposes." At the present time there are approximately 900 volunteer Indiana Hunter Education Instructors who have graduated 350,000 students. Many of these young students are the sportsmen of today, and they will be the sportsmen and sportswomen of tomorrow. The program teaches "Hunter Ethics" and the value of fair chase when pursuing wildlife. The promulgation of this rule will reinforce what these instructors have taught the thousands of Hoosier youth in developing an ethical and sportsman's like attitude. The high fence killing of an animal in a fenced in area is an insult to these 900 trained instructors who give of their time in developing a proper and sportsman's like attitude when in pursuit of Indiana's wildlife. On behalf of the hundreds of sportsmen and sportswomen which I represent, we fully support the promulgation of this rule.

Jeanne Hay wrote by regular mail on February 25, 2006 from South Bend

Please oppose and stop all canned hunting in Indiana, as this is so inhumane to the animals.

Scott Harris wrote by regular mail on February 23, 2006 from Velpen:

I am against all new changes of the DNR administrative rule changes proposed, they are a direct infringement on individual property rights. Indiana has world record deer and elk on private property that breeders have spent years and thousands of dollars developing over the last 20 years. Now you want to ban them. I have been raising elk (which are classified as livestock in Indiana) for over 11 years and have never even had a problem that would affect or threaten Indiana wildlife. The changes are not needed and will put elk / deer farmers and hunting preserves out of business. There are hundreds of hunting preserves in Indiana that are hunting quail, pheasant and chukers, why not deer and elk? Makes no sense. But I would not call harvesting deer and elk on hunting preserves and for that matter state parks should not be called hunting. We need deer / elk farms and preserves in Indiana depressed agriculture which is feeding all of the state's deer.

Mark Stevenson wrote by email on February 28, 2006 from mark@stevensondds.com

In reading your proposed rule on Cervidae and Exotic Mammals (LSA 05-261) I am concerned about some of the provisions regarding Exotic Mammal possession.

Specifically:

1. Several of the "Exotic Mammals" you list are frequently, and safely, kept as pets. They do not present a danger to the public or to other wildlife. They rarely, if ever, escape, and would not survive long in the wild. They are not bred or kept for hunting purposes in any state I know of. The specific families I am concerned about are:

- 15. Lorisidae - I understand people keep bushbabies as pets.
- 17. Manidae - I can't imagine these (pangolins) being used for sport hunting purposes.
- 18. Mustelidae - Ferrets, weasels, and skunks (de-scented) are popular pets around the country.
- 23. Procyonidae - Again, I understand several Indiana residents keep coati mundis.
- 31. Viverridae - Mongooses have been popular for several years.

They are harmless in much the same way as the mustelids they resemble.

Many of the above animals, such as ferrets, are even sold in mall pet stores. I think you would face an unmanageable burden by trying to regulate the possession of many of these animals.

2. Exotic Mammal Possession Permit - Some of the standards seem a bit out of place, inapplicable, or unnecessary, since the rule only mentions Cervidae. Your rules require "rainproof dens" and "nest boxes" that would be totally unnecessary for a large cervid. Cervids do not nest, and most seem to enjoy being in the rain.

Finally, let me say that I am otherwise very supportive of the rules and your efforts in this area. I think it is refers to practices and activities that have long been overlooked and in need of regulation.

Tom McKenna of 1487 Hogan Avenue, Chesterton, sent extensive comments in a three-ring binder by Federal Express on February 28, 2006. The entirety of the document is contained in the record and is available for inspection and review. McKenna's opening remarks and index follows:

I SUPPORT the EMERGENCY Rule. No high fence hunting of cervids and exotics!

The attached is sent to you as a summplement to my comments—it is the basis for my not supporting this agribusiness in the State of Indiana.

Other states may have the excuse that they were NOT AWARE of thse unintended consequences to this NEW (NOT GENERATIONAL) type of shooter buck farming, INDIANA DOES NOT HAVE THAT EXCUSE.

We do not need to make the mistakes of other states. We have the ability to decide for ourselves whether or not we want to take on this liability for 15 opreators and an industry that the state, as a whole, does not approve of. *This is not agriculture that we want either our state or federal tax monies to support.*

Please see attached commentary and list of supplement materials.

Tom McKenna

SECTION 1

**Natural Resources Study Committee
August 17, August 18, 1999
Nashville, Indiana**

Pages 9,10,11 Larry Allen...13 entitles license as shooting preserves by the DNR....DNR is opposed to including white-tailed deer on shooting preserves....almost every state that is in the business is looking for a way to get out.

....Susan Thurston owns and operates a 1000 acres hunting preserve....a fence surrounds 160 acres....no laws govern hunting preserves....Most hunters come down before the hunt. She takes them in golf carts to look for a deer that the hunter wants to shoot. In the evening, the hunt is conducted. If blood is drawn, the hunter must pay for the deer....

...Hunting preserves are fledgling industries. If her operations were to become a shooting preserve, it would be against the law. Before she continues to fence additional acres on her property, she would like to ensure that her operation is not in violation of the law because fencing is expensive.

SECTION 2

Natural Resources Study Committee

October 19, 1999

Meeting Place: RUSSELL BELLAR FARM

...Distributed a copy of the statute governing shooting preserves.... An individual must obtain a license in order to establish a shooting preserve. Offer for hunting the following animals: pheasant, quail, chukar, partridges, and properly marked mallard ducks, and other species that the DNR determines by rule. The DNR has not authorized any other species by rule.

....

Russell Bellar owner of a hunting preserve indicated that he would like to see...that white-tailed deer are added to the list of animals that can be hunted on a shooting preserve.

Susan Thurston indicated that hunters want to hunt quality deer. They might pay \$7,500 to \$10,000 to shoot a buck. Also the deer are not included to escape because they are fed on the preserve....

SECTION 3

Natural Resources Study Committee

September 15, 2004

Culver Cove, Culver, IN

...There was not enough time to come to a consensus that might be the basis for legislative recommendations....

...Don Blinzinger, Bose Treacy Associates...with respect to hunting deer behind a fence, he discussed a proposal that would allow for those in the business to remain in business and to be able to hand down the business to family members, but that the business could not be passed beyond the family....

USSA...without the deer and elk farms, the children would be unable to hunt at the preserves. Shooting preserves provide more flexibility in timing, better success...blinds accessible to children with disabilities....

SECTION 4

Banned Antlers in Korea

Farmers incur losses to be subsidized by USDA (fed taxpayers)

A Whoopin Comin

IN Farm Bureau promotes nice livestock market.... "I can assure you folks won't spend \$10,000.00 for deer meat"

AD posted Deer Farmer's Information Network

Whitetail fawns (bottle fed)

Looking for a White Shooter Buck

Let us know size and price

Biologist Lashes Out at Sask, Hunting Practices Leader Post

...It is morally bankrupt....

436 Deer Have Escaped from Farms to Wild Milw Journal Sentinental

A state inspection of private deer farms.... Game farm operators have more deer in captivity than their records show....

SECTION 5

Deer Dopers Charged in Indiana Field and Stream

Bellar told the Star in February, "They are against what I do. They are against anyone that raises whitetail deer. They hate us with a passion."

Bellar Whitetail Ranch

Open for hunts in Fall of 2001

Poor shot, Rich Luck Norm Sauceman

He was still barely alive...brandished a huge bowie knife...shined the light in the deer's eyes.... Tom thrust his knife into the buck's ribs. The buck bolted to his feet, but ran only 20 more yards, fell over and expired.

SECTION 6

BOWGUNS www.bowguns.com Indiana's Premier Hunting Lodge...PRICES ON SPECIALTY ANIMALS UPON REQUEST....

Exotics

...A good web page that I can look at to pick up a few exotics for a preserve....

Misc. pages www.bowguns.com

This owner is registered with BOAH—not price sheet quote above

SECTION 7

Desperate Times

...Rodney Bruce, litigant, Indiana.... I have only been in this business for 5 years.... My earnings have been progressing each year without a loss "yet." Like roger.... I invested only what I could afford to lose....

SECTION 8

Fiscal Impact Statement IN SB 397 Jan. 6, 2004

...The Board received a General Fund appropriation of \$49,430.00 for the FY 2004-FY 2005 biennium...Indemnity Fund (THE SAME PALTRY AMOUNT has been designated for the next two years.... Who makes up the difference? Federal tax payers.)

Deer Disease cost put at nearly \$15 million Milw. Journal October 21, 2003

DNR scrambling for CWD money Capital Times

...There are three ways to fund the program—reallocate our own DNR money, have the Legislature allocate money, and we can get federal money.

SECTION 9

Elk Ranchers Offered Indemnity 2.6 million Rocky Mtn. News

US Pays to Kill Healthy Animals in Area with CWD Denver Post

State Officials Negotiate with Landowner AP

Disease Wipes out one-fifth of Elk Herd Star Phoenix Saskatoon

Officials to Kill 350 Elk at Ranch There's only one small bright spot for Forrest; he'll recoup some of his financial losses through a federal appropriation

Elk Illness Nets Federal Funds Denver Post

State to Pay Ranchers if Healthy Elk killed over Wasting Disease ...The Compensation will come from the USDA

State Should BUY Deer, Elk Farms Wisconsin State Journal WI should buy our deer and elk industry, then abolish it.

Elk Ranchers Lock Horns with DOW Denver Post ...The public feels secure that there are already enough around

20 Colo Ranchers Flee Elk Business Rocky Mountain news The USDA will provide the money to buy out the breeders....

Deer and Elk Farmers Want Compensation 1/18/2004 Canada's 2500 deer and elk farmers want equal treatment with cattle producers....

Fairness Expected in Compensation Producers are fighting to receive fair compensation. Yet the CFIA has been unable to come up with the funds. *It may not be politically popular for the government to help elk producers. Public sentiment against hunt farms gets in the way.*

SECTION 10

FDA Prohibits Rendering Companies from Putting DEER CARCASSES into Animal Feed
State Purchase of Costly, high-powered Animal Incinerator *(Lake County in Indiana has already had to pay surcharges on deer carcass removal because of proximity to Illinois...)*

More Trash Bins urged for Dead Deer

State Receives 15 Bids to Handle Carcasses

DNR to Use Crematory for Deer Carcasses

DNR decides to incinerate Deer Carcasses

SECTION 11 (!!!!)

IMPORTANT—It is the WILD WEST in INDIANA regarding chemicals, drugs used in IN game farming...because this type of business skirts the law, please read for yourself how they are making things up as the go along...after reading this, all sorts of alarm bells should go off in citizen's heads....

Drug Residues in Wild Meat—Addressing a Public Health Concern

Succinylcholine (sucostrin)

Tolazine in Short Supply Again

Tolazine is Available Again

Tranquilizer Hunts

How Soon Can you eat Penned Deer

Liquid Telazol

Rundown Mom ...First I killed her fawns, finally I killed her too.

Dartling/Reversing

Rompun and Ace

Where to Buy Rompun in Canada

Sawing Antlers

Bought First Two does—One Died

Tranquilizer Drugs?

SECTION 12

Deer Could End Up in Sewer Capital Times

Why US Deer Could be a Waste Product Herald Sun, Melbourne, Australia

EPA Eyes Wildlife Lab Practices

Incinerator Opposition Arises

Distovyer of Mad Cow Entangles Rendering Industry

SECTION 13

Glenn Lange Letter to FDA 5/23/03 ...Last Fall we had cases where hunters who donated their deer heads at deer checking stations were subsequently turned away from meat processors for the same reasons.

Doctors Seek Rules for Deer Butchers Milw. Journal Sentinental

CWD Fears Causing Waste Disposal Problems

Top Educator Seeks Changes in Deer Meet Processing
Butchers May Be Spreading Mad Deer Disease to Humans Milw. Journal Sentinel
New Regs for Deer Butchers
Despite ban, Livestock Feed Can Still be Contaminated Gannett News

SECTION 14

End Game Ranching—Immediately
A Spreading Hazard for Deer and Elk (and Hunters)
Mismanagemetn, Greed caused Game Farm Debacle The Star Phoenix
Game Farms Bane of Wildlife Rocky Mtn. News
Fenced-Preserve Hunts Breed Depate Indianapolis Star
In the Author's Opinion, Fair Chase Ends Where the Fence Corner's Meet J. Trout, Jr.

4. RESPONSE BY THE DEPARTMENT OF NATURAL RESOURCES

The hearing officer invited the Department of Natural Resources to respond to citizen comments on the rule proposal. Those responses were received from Linnea Petercheff of the DNR's Division of Fish and Wildlife on March 2, 2006 as follows:

As a result of public comment and for the purposes of clarification, the DNR is proposing several modifications to the rules that were given preliminary adoption. These proposed modifications are highlighted in the rule language at the end of this section. The proposed modifications are all in response to public comment and include the following:

- (1) Clarify the fact that white-tailed deer and several other native species are not considered exotic mammals as defined in 312 IAC 9-3-18.5.
- (2) Remove several families from this list of exotic mammals in 312 IAC 9-3-18.5.
- (3) Change the name of the Exotic Mammal Possession Permit to the Cervidae Possession Permit in 312 IAC 9-10-21.
- (4) Add the scientific name for white-tailed deer under 312 IAC 9-10-21(c) and simply include all species of caribou without mentioning that reindeer are included.
- (5) Change the word "sick" in 312 IAC 9-10-21(i) to the word "diseased."
- (6) Remove the terms "rainproof dens and nest boxes" referenced in 312 IAC 9-10-21(e).

White-tailed Deer and Game Breeder Licenses

Many public comments have mentioned that game breeders have been allowed to sell their white-tailed deer for hunting purposes in the past. This additional language in 312 IAC 9-3-2 only clarifies that a hunter, a person licensed by the State of Indiana, may not hunt a white-tailed deer possessed under the authority of a game breeder's license. White-tailed deer could still be possessed in captivity under a Game Breeder's License and sold in compliance with the law.

Indiana Code does not allow the offer for hunting of white-tailed deer held pursuant to a Game Breeder's License. The law, however, applies to the owner of the deer and not the hunter. Indiana citizens wishing to possess white-tailed deer, for any purpose, must obtain a Game Breeder's License issued by the Indiana DNR (IC 14-22-20 and 312 IAC 9-10-4). The scope of the Game Breeder's License authorized by IC 14-22-20-2 is limited to the propagation of an animal in captivity or the possession, purchase or sale of an animal exclusively for release and breeding purposes. Offering white-tailed deer (or any other animal held pursuant to the license) for hunting is therefore prohibited by statute - the rule merely clarifies this and makes explicit that the prohibition applies to the hunter as well. IC 14-22-20.5 additionally authorizes the sale of the "meat and products" of Cervidae Livestock Operations.

The administrative rule (312 IAC 9-10-4) and statutes relating to game breeder licenses (IC 14-22-20) and cervidae livestock (IC 14-22-20.5) do not provide for "taking" an animal held pursuant to a game breeder

license, and expressly prohibit the "hunting of privately owned cervidae." The humane slaughter regulations as administered by the Indiana Board of Animal Health (BOAH) allow for euthanizing sick and critically injured animals, as well as slaughter consistent with religious requirements. Culling or depopulating a herd of animals held as livestock pursuant to IC 14-22-20.5 would be subject to the same requirements as any livestock herd.

Public comments were received about the exotic mammal possession permit conflicting with the Cervidae Livestock Operation Statute in IC 14-22-20.5. IC 14-22-20.5 governing Cervidae Livestock Operations allows the farming and slaughter of cervids, both native and exotic. Furthermore, the state statute for Cervidae Livestock Operations in IC 14-22-20.5 requires a game breeder license, but does not specifically authorize the possession of cervids. Game Breeder Licenses can only be issued for game mammals and furbearing mammals, which are defined by law in IC 14-8-2-108. White-tailed deer are the only cervids that are game mammals in Indiana. Therefore, because the game breeder license does not provide for the possession of elk and other exotic cervids, this new exotic mammal possession permit is needed to provide for their possession.

IC 14-8-2-108

"Furbearing mammal"

Sec. 108. "Furbearing mammal", for purposes of IC 14-22, means beaver, red fox, gray fox, long tailed weasel, mink, muskrat, raccoon, coyote, opossum, or skunk.

As added by P.L.1-1995, SEC.1.

IC 14-22-37-1

"Game animal" defined

Sec. 1. As used in this chapter, "game animal" means an animal that may be legally taken under this article.

As added by P.L.1-1995, SEC.15.

IC 14-22-20-1

Issuance; fee

Sec. 1. The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

As added by P.L.1-1995, SEC.15.

IC 14-22-20-2

Sales authorized; application

Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes or for release and nonmigratory game birds for food purposes. A person who:

(1) acquires a game bird, game mammal, or furbearing mammal alive, legally in open season; or

(2) purchases the bird or mammal from a licensed game breeder;

may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released.

As added by P.L.1-1995, SEC.15.

Safety Issues

Several comments raised the idea that high-fence hunting would be safer than hunting deer in the wild. However, traditionally, the most common deer hunting-related accidents are those in which a hunter falls out of a tree stand, which can happen anywhere. The number of deer hunting-related accidents each year is minimal in comparison to the thousands of deer taken.

Legal Authority

Many virtually identically-worded comments questioned the authority of the DNR, Natural Resources Commission, and the Director of the DNR to adopt rules governing the taking of exotic mammals.

The DNR Director has the authority to adopt rules governing wild animals and exotic mammals under IC 4-22-2. With this legal authority, the DNR Director is authorized by IC 14-22-2-6(a) (4) and (a) (5) to adopt rules to establish the methods, means and time of taking, chasing, transporting and selling exotic mammals, which necessarily includes the prohibition of these activities. The DNR is required to "provide for the protection, care, management, survival and regulation of wild animal populations in Indiana, regardless of whether the wild animals are present on public or private property in Indiana" (IC 14-22-2-3).

When wild animal populations or public safety is at risk as a result of the possession of wild animals (wild animals includes reptiles, amphibians, birds, fish, mollusks, and exotic mammals), the DNR Director is authorized to prohibit the taking and/or selling of wild animals. For example, the sale of native reptiles and amphibians was prohibited in 1998 by the DNR to protect native populations, and commercial fishing in Lake Michigan was also prohibited to protect yellow perch populations. Courts have repeatedly upheld the state's authority to regulate the commercial exploitation of its fish and wildlife resources in order to protect those resources.

IC 14-22-2-6

Adoption of rules

Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish, open, close, lengthen, suspend, or shorten seasons.
- (2) Establish bag, sex, and size limits.
- (3) Establish limitations on the numbers of hunters and fishermen.
- (4) Establish the methods, means, and time of:
 - (A) taking, chasing, transporting, and selling; or
 - (B) attempting to take, transport, or sell;wild animals or exotic mammals, with or without dogs, in Indiana or in a designated part of Indiana.
- (5) Establish other necessary rules to do the following:
 - (A) Administer this chapter.
 - (B) Properly manage wild animals or exotic mammals in a designated water or land area of Indiana.
- (6) Set aside and designate land or water or parts of the land or water owned, controlled, or under contract or acquired by the state for conservation purposes as a public hunting and fishing ground under the restrictions, conditions, and limitations that are determined to be appropriate.

(b) Rules:

- (1) may be adopted only after thorough investigation; and
- (2) must be based upon data relative to the following:
 - (A) The welfare of the wild animal.
 - (B) The relationship of the wild animal to other animals.
 - (C) The welfare of the people.

(c) Whenever the director determines that it is necessary to adopt rules, the director shall comply with the following:

- (1) Rules must clearly describe and set forth any applicable changes.
- (2) The director shall make or cause to be made a periodic review of the rules.
- (3) A copy of each rule, as long as the rule remains in force and effect, shall be included and printed in each official compilation of the Indiana fish and wildlife law.

(d) The director may modify or suspend a rule for a time not to exceed one (1) year under IC 4-22-2-37.1.

As added by P.L.1-1995, SEC.15

Chronic Wasting Disease (CWD)

Public comments were given relative to Chronic Wasting Disease (CWD) and captive-reared cervids.

The importation of white-tailed deer or any cervid, whether dead or alive, creates a possibility of bringing CWD into Indiana. If CWD were found in Indiana, it would have serious consequences, both on the wild white-tailed deer population and the state's economy. Wild deer found to have CWD would have to be killed, costing the state money. Wisconsin has spent thousands of dollars eradicating white-tailed deer that have CWD or could potentially carry CWD. The Exotic Mammal Possession Permit contains provisions that would help to prevent any spread of CWD from captive to wild populations.

Although the Board of Animal Health (BOAH) requires individuals who own any species of the family cervidae to register through their department, the BOAH has a very limited number of veterinarians that can help ensure compliance with their laws. There are 233 owners of exotic cervids registered with the BOAH.

Escapes continue to be a problem by increasing the risk of disease transmission to wild deer from captive-reared deer, and these proposed rules help ensure that this possibility is minimal. Furthermore, the DNR has documentation of at least four instances within the past few months of escapes of captive deer. In one case, more than 20 white-tailed deer escaped into the wild as a result of a tree falling on a fence, and none of the deer were marked in any way (no ear-tag or tattoo), so the captive deer could not be identified or returned.

The DNR submitted 1,256 samples from deer taken in the wild in 2005 to be tested for CWD and all samples were negative. Samples were taken from 68 of the state's 92 counties and 1,218 samples were testable and determined to be negative for CWD.

Military Hunts/National Wildlife Refuge Hunts

Some public comments asserted that the DNR maintains or promotes deer hunting behind a high fence.

During recent years, the DNR has participated in obtaining access for public deer hunting on two (2) Military Refuges (Camp Atterbury Joint Maneuver Training Center & Naval Support Activity Crane) and on two (2) National Wildlife Refuges (Big Oaks National Wildlife Refuge & Muscatatuck National Wildlife Refuge). None of these facilities have a completely deer-proof fence around their facility, nor do they make any attempt to maintain a deer-proof fence. There are holes in the fence, culverts under the fence through which deer can escape, and a lack of maintenance to the fence that allows the ingress and egress of wild deer. They currently only maintain fencing for the purpose of letting the public know where the facility boundary lies. Within the boundary fence, the facilities have the following amount of land: Atterbury = 63 sq. miles; Crane = 100 sq. miles; Big Oaks = 78 sq. miles; Muscatatuck = 12 sq. miles. Therefore, the DNR does not consider these to be captive deer enclosed by a high fence.

Taking of Exotic Mammals

The proposed rule language is needed to clarify that exotic mammals cannot be hunted in Indiana. Exotic mammals may only be offered for hunting to the extent that the DNR adopts rules to provide for that activity under the Licensed Shooting Preserve Statute (IC 14-22-31-7). This law also requires a license from the DNR to offer exotic mammals to be hunted. The Natural Resources Commission has not adopted an administrative rule identifying any exotic mammals that can be offered for hunting on a licensed shooting preserve.

While this rule proposal makes no changes to the possession and sale of white-tailed deer, the state statute in IC 14-22-20.5 governing cervidae and cervidae products allows Cervidae Livestock Operations who own white-tailed deer and exotic cervids (and meet the requirements in the law) to sell their meat and other products. The sale of meat from white-tailed deer in Indiana has not been legal in the past. Therefore, small businesses who own cervids now have a new source of revenue in Indiana, but the animals must be slaughtered in compliance with the Humane Slaughter Act in IC 15-2.1-24.

As a requirement of this statute (IC 14-22-20.5-2), a Cervidae Livestock Operation is required to possess a game breeder license and also not allow the hunting of the cervids that are possessed. Game Breeder licenses can only be issued for native species - game mammals and furbearing mammals - that are defined

by state statute and listed in the administrative rule governing game breeder licenses (312 IAC 9-10-4). A person could not possess only cervids that are exotic mammals, such as elk and fallow deer, and be classified as a Cervidae Livestock Operation, because a game breeder license cannot be issued for these exotic species.

White-tailed deer and exotic cervids would continue to be legally possessed in captivity and sold in compliance with the law. In addition to the sale of live animals, their meat and other products could be sold in accordance with the law; therefore, these captive herds are not deprived of all of their value. The statute in IC 14-22-20.5 for Cervidae Livestock Operations did not create a separate license for cervidae livestock operations, nor did it authorize the possession of exotic cervids under a game breeder license. Therefore, in order to legally allow for the possession of exotic cervids, the exotic mammal possession permit is being proposed to allow for their continued possession and sale.

Some comments incorrectly asserted that the promulgation of these rules constituted a de facto repeal of existing statutes. There is no conflict with this rule and the statute in IC 14-22-32-2 governing game birds and exotic mammals. IC 14-22-32-2 does not expressly authorize the hunting of exotic mammals, nor does it expressly authorize anything; it is clearly a prohibitive section, as indicated by its title, "Prohibitions." The text of the section begins with "A person may not do the following...", and then prohibits the use of weapons not listed in the section for hunting game birds and exotic mammals. IC 14-22-32-6 only authorizes the department to adopt rules. There is no effective repeal issue.

Public comments were received that expressed concerns that animals such as bushbabies, ferrets, skunks, coatimundis, and civets (mongoose family) are kept as pets and would not be able to under the proposed rule in 312 IAC 9-3-18.5. Several of the families listed in this rule have species that are commonly kept as pets, and the DNR does not currently have any provision to allow them to be kept in captivity as a pet. It would mean an additional administrative burden to authorize their possession as a pet at this time in an administrative rule. Therefore, the DNR is proposing to remove these families from this list of exotic mammals. They are also not known to be used for hunting purposes in Indiana.

As a result of public comments and to clarify that the list of families in 312 IAC 9-3-18.5 does not include any native species that are a member of any of those families, the DNR is proposing to add language in the rule that would clearly indicate that the following species are not considered to be exotic: white-tailed deer, bobcat, red fox, gray fox and coyote.

IC 14-22-20.5-2

"Cervidae livestock operation"

Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

- (1) has a game breeders license issued by the department of natural resources under IC 14-22-20;
- (2) contains privately owned cervidae; and
- (3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae

products;

but does not involve the hunting of privately owned cervidae.

As added by P.L.93-2005, SEC.4.

IC 14-22-20.5-3

"Cervidae products"

Sec. 3. As used in this chapter, "cervidae products" means products, coproducts, or byproducts of cervidae.

As added by P.L.93-2005, SEC.4.

IC 14-22-20.5-4

Ownership of cervidae and cervidae products

Sec. 4. Cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana or imported into Indiana are the exclusive property of the owner.

As added by P.L.93-2005, SEC.4.

IC 14-22-20.5-5

Sale of privately owned cervidae and cervidae products

Sec. 5. Meat and products derived from privately owned cervidae that are from a cervidae livestock operation may be sold to the general public, subject to IC 15-2.1-24.

As added by P.L.93-2005, SEC.4.

Exotic Mammal (Cervidae) Possession Permit

Many comments questioned the authority of the DNR, Natural Resources Commission, and the Director of the DNR to adopt rules governing the possession of exotic mammals.

Exotic mammals, as defined by IC 14-8-2-87 are clearly a sub-set of wild animals defined by IC 14-8-2-318, so any authority with respect to the possession or taking of wild animals also applies to exotic mammals (including IC 14-22-26-3). Furthermore, IC 14-22-32-6 provides the authority to adopt rules necessary for the administration of IC 14-22-32 ("Game Bird and Exotic Mammal Regulation"), which necessarily includes regulating possession. The DNR has the authority to regulate the possession of exotic mammals in IC 14-22-2-6. The DNR Director is authorized to establish the methods, means, and time of taking, chasing, transporting, and selling exotic mammals; exotic mammals have to be in possession to be transported or taken. Furthermore, the Director is authorized to "write and issue licenses and permits required by this article" in IC 14-22-2-4. In IC 14-22-32-6, the DNR has the authority to adopt rules to administer the chapter, which governs the offering of exotic mammals for hunting, trapping or chasing.

As a result of public comment and to clarify that this permit only applies to cervids, the DNR is proposing to change the name of the permit to the "Cervidae Possession Permit" instead of the "Exotic Mammal Possession Permit."

The DNR is also proposing to add the scientific name for white-tailed deer under 312 IAC 9-10-21(c) and simply include all species of caribou without mentioning that reindeer are included.

As a result of public comment regarding the need for rainproof dens and nest boxes, the DNR is proposing to remove these terms from the rule. They would not be a requirement for a cervid permitted under this rule.

Furthermore, the DNR is proposing to change the word "sick" in 312 IAC 9-10-21(i) to the word "diseased." This reverses an unexplained change to the DNR's original rule language by the Legislative Services Agency.

IC 14-22-2-4

Licenses and permits

Sec. 4. The director shall write and issue licenses and permits required by this article.

As added by P.L.1-1995, SEC.15.

Proposed Modifications by DNR:

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:

- (1) hunting;
- (2) transportation; and
- (3) disposal;

of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.

(2) Sections 3 through 9 of this rule.

A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of:

- (1) a food product that is transported and placed for consumption;
- (2) salt;
- (3) mineral blocks;
- (4) prepared solid or liquid intended for ingestion (herein called bait);
- (5) snares;
- (6) dogs; or
- (7) other domesticated animals;

to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.

~~(g)~~ (g) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:

- (1) deer unless the person possesses a completed and signed license bearing the person's name; or
- (2) with a deer license issued to another person.

~~(g)~~ (h) A piece of paper must, immediately upon taking a deer, be attached to a leg of the deer and state the following:

- (1) The name and address of the person.
- (2) The license number (if applicable).
- (3) The sex of the deer.
- (4) The month and day the deer was taken.

A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(h)~~ (i) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:

- (1) Within forty-eight (48) hours of the taking of the deer.
- (2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

~~(i)~~ (j) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection (g), (h), the operator shall give the seal to the person. The person must immediately affix the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(j)~~ (k) The checking station operator must do the following:

- (1) Accurately and legibly complete all forms provided by the department.
- (2) Make those forms available to department personnel upon request.

~~(k)~~ (l) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:

- (1) state-owned or state-leased lands;
- (2) U.S. Forest Service lands;
- (3) the Muscatatuck National Wildlife Refuge; or
- (4) the Big Oaks National Wildlife Refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (½) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(4)~~ **(m)** The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(m)~~ **(n)** The use of infrared sensors to locate or take deer is prohibited. It is unlawful to **A person must not** hunt or retrieve deer with the aid of an infrared detector.

~~(n)~~ **(o)** Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(o)~~ **(p)** Notwithstanding subsection (e):

- (1) donkeys;
- (2) mules; and
- (3) horses;

may be used for transportation to and from a hunt but may not be used while hunting.

~~(p)~~ **(q)** The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.

(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536)

312 IAC 9-3-18.5 Exotic mammals

Authority: IC 14-22-2-6; IC 14-22-32-6

Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the

following families of mammals:

- (1) Bradypodidae (tree sloth).**
- (2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus Bos, including all dairy and beef animals) and buffalo (Bison bison).**
- (3) Camelidae (camel and llama).**
- (4) Canidae (jackal, wild dog, and other exotic foxes).**
- (5) Cebidae (marmoset).**
- (6) Cercopithecidae (baboon and monkey).**
- (7) Cervidae (elk, moose, caribou, and other exotic deer).**
- (8) Dasypodidae (armadillo).**
- (9) Elephantidae (elephant).**
- (10) Equidae (wild horse and zebra), except for domestic horses.**
- (11) Felidae (mountain lion, lynx, tiger, and other exotic cats).**
- (12) Giraffidae (giraffe and okapi).**
- (13) Hippopotamidae (hippopotamus).**
- (14) Hyaenidae (hyaena).**
- ~~**(15) Lorisidae (potto and bushbaby).**~~
- ~~**(16) (15) Macropodidae (kangaroo and wallaby).**~~
- ~~**(17) Manidae (pangolin).**~~
- ~~**(18) Mustelidae (otter, weasel, polecat, and badger).**~~
- ~~**(19) (16) Myrmecophagidae (anteater).**~~
- ~~**(20) (17) Orycteropodidae (aardvark).**~~
- ~~**(21) (18) Pongidae (chimpanzee, bonobo, and gorilla).**~~
- ~~**(22) (19) Procaviidae (hyrax).**~~
- ~~**(23) Procyonidae (ringtail cat and coati mundi).**~~
- ~~**(24) (20) Protelidae (aardwolf).**~~
- ~~**(25) (21) Rhinocerotidae (rhinoceros).**~~
- ~~**(26) (22) Suidae (wild boar and other exotic swine), except for domestic swine.**~~
- ~~**(27) (23) Tapiridae (tapir).**~~

~~(28)~~ (24) Tayassuidae (javelina and peccary).

~~(29)~~ (25) Tragulidae (chevrotain).

~~(30)~~ (26) Ursidae (bear).

~~(31) Viverridae (civet, genet, and mongoose).~~

~~(32)~~ (27) A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox and coyote.

(b) Notwithstanding subsection (a), a person may take an exotic mammal only if the exotic mammal is:

(1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or

(2) a species from the family:

(A) suidae and:

(i) has been released or escaped from captivity; or

(ii) is a member of a breeding population in the wild; or

(B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or this article.

(d) A person:

(1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or this article; and

(2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) As used in this rule, "exotic mammal" means a species that is:

(1) not native to Indiana; or

(2) extirpated from Indiana and either a:

(A) wild animal; or

(B) feral animal other than a dog or cat.

(Natural Resources Commission; 312 IAC 9-3-18.5)

312 IAC 9-10-21 Cervidae possession permit

Authority: IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32

Affected: IC 4-21.5; IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.

(c) An application for an ~~exotic mammal~~ cervidae possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:

(1) Deer (all species, except white-tailed deer, *Odocoileus virginianus*).

(2) Elk (*Cervus canadensis*).

(3) Caribou (all species, ~~including reindeer~~).

(4) Moose (*Alces alces*).

(5) A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the:

(1) acquisition of an animal within Indiana; or

(2) importation of an animal into Indiana.

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters, ~~and~~ holding

~~pens, and nesting boxes~~ may not be used as primary housing. The following shall be provided as required for the comfort of the particular species of animal:

- (1) Fresh water.
- ~~(2) Rainproof dens.~~
- ~~(3) Nest boxes.~~
- (4) (2) Windbreaks.
- ~~(5) (3) Shelters.~~
- ~~(6) (4) Shade.~~
- ~~(7) (5) Bedding.~~

Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. Upon a request by a conservation officer, any cage or other enclosure must be made available for inspection.

(f) Each animal possessed under this section must be lawfully acquired. At least one (1) of the following shall be presented for inspection upon the request of a conservation officer:

- (1) A receipted invoice.
- (2) A bill of lading.
- (3) Other satisfactory evidence of lawful acquisition.

Documentation in the form of a copy of a valid ~~exotic mammal~~ **cervidae** possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local, or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

- (1) Malnutrition.
- (2) Illness.
- (3) Disease.
- (4) Injury.
- (5) Stress.

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A person must not sell a wild animal possessed under this section if the person knows or should know the animal is ~~sick~~ **diseased**.

(j) A permit holder must do the following:

- (1) Record all transactions by which a wild animal possessed under this section is:
 - (A) sold;
 - (B) traded;
 - (C) loaned;
 - (D) bartered; or
 - (E) given;

to another person on a departmental form or computerized record.

(2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction and provide a copy to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

- (A) The ~~exotic mammal~~ **cervidae** possession permit number.
- (B) The buyer's and seller's name and address.
- (C) The number of animals sold.
- (D) The species of the animal sold.

(k) A permit expires on December 31 of the year the permit is issued. The permit holder must provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the number:

- (1) bought;

- (2) sold;
- (3) born;
- (4) traded;
- (5) gifted;
- (6) of deaths; and
- (7) on hand.

(l) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and:

(1) the permit may be suspended or revoked under IC 4-21.5; and

(2) the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.

(m) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A provision of a permit issued under this section.

(2) All applicable state, local, or other federal laws.*(Natural Resources Commission; 312 IAC 9-10-21)*

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #05-261(F)

DIGEST

Amends 312 IAC 9-3-2 and adds 312 IAC 9-3-18.5, concerning the hunting of white-tailed deer possessed under a game breeder license and the taking, possessing, and releasing of exotic mammals, to prohibit the taking and releasing of the exotic mammals described in this rule. Adds 312 IAC 9-10-21 concerning exotic mammals possession permits. Effective 30 days after filing with the Secretary of State.

312 IAC 9-3-2

312 IAC 9-3-18.5

312 IAC 9-10-21

SECTION 1. 312 IAC 9-3-2, PROPOSED TO BE AMENDED AT 29 IR 619, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:

- (1) hunting;
- (2) transportation; and
- (3) disposal;

of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.
- (2) Sections 3 through 9 of this rule.

A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of:

- (1) a food product that is transported and placed for consumption;
- (2) salt;
- (3) mineral blocks;
- (4) prepared solid or liquid intended for ingestion (herein called bait);
- (5) snares;
- (6) dogs; or

(7) other domesticated animals;
to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.

~~(f)~~ (g) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:
(1) deer unless the person possesses a completed and signed license bearing the person's name; or
(2) with a deer license issued to another person.

~~(g)~~ (h) A piece of paper must, immediately upon taking a deer, state the following:
(1) The name and address of the person.
(2) The license number (if applicable).
(3) The sex of the deer.
(4) The month and day the deer was taken.

A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(h)~~ (i) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:
(1) Within forty-eight (48) hours of the taking of the deer.
(2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

~~(i)~~ (j) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection ~~(g)~~, (h), the operator shall give the seal to the person. The person must immediately affix the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(j)~~ (k) The checking station operator must do the following:
(1) Accurately and legibly complete all forms provided by the department.
(2) Make those forms available to department personnel upon request.

~~(k)~~ (l) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:

- (1) state-owned or state-leased lands;
- (2) U.S. Forest Service lands;
- (3) the Muscatatuck National Wildlife Refuge; or
- (4) the Big Oaks National Wildlife Refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half ($\frac{1}{2}$) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(h)~~ **(m)** The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(m)~~ **(n)** The use of infrared sensors to locate or take deer is prohibited. ~~It is unlawful to~~ **A person must not** hunt or retrieve deer with the aid of an infrared detector.

~~(n)~~ **(o)** Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(o)~~ **(p)** Notwithstanding subsection (e):

- (1) donkeys;
- (2) mules; and
- (3) horses;

may be used for transportation to and from a hunt but may not be used while hunting.

~~(p)~~ **(q)** The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.

(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536)

SECTION 2. 312 IAC 9-3-18.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.5 Exotic mammals

Authority: IC 14-22-2-6; IC 14-22-32-6

Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) Bradypodidae (tree sloth).
- (2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus *Bos*, including all dairy and beef animals) and buffalo (*Bison bison*).
- (3) Camelidae (camel and llama).
- (4) Canidae (jackal, wild dog, and other exotic foxes).
- (5) Cebidae (marmoset).
- (6) Cercopithecidae (baboon and monkey).
- (7) Cervidae (elk, moose, caribou, and other exotic deer).
- (8) Dasypodidae (armadillo).
- (9) Elephantidae (elephant).
- (10) Equidae (wild horse and zebra), except for domestic horses.
- (11) Felidae (mountain lion, lynx, tiger, and other exotic cats).
- (12) Giraffidae (giraffe and okapi).
- (13) Hippopotamidae (hippopotamus).
- (14) Hyaenidae (hyaena).
- (15) Macropodidae (kangaroo and wallaby).

- (16) Myrmecophagidae (anteater).
- (17) Orycteropodidae (aardvark).
- (18) Pongidae (chimpanzee, bonobo, and gorilla).
- (19) Procaviidae (hyrax).
- (20) Protelidae (aardwolf).
- (21) Rhinocerotidae (rhinoceros).
- (22) Suidae (wild boar and other exotic swine), except for domestic swine.
- (23) Tapiridae (tapir).
- (24) Tayassuidae (javelina and peccary).
- (25) Tragulidae (chevrotain).
- (26) Ursidae (bear).
- (27) A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox and coyote.

(b) Notwithstanding subsection (a), a person may take an exotic mammal only if the exotic mammal is:

- (1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or
- (2) a species from the family:
 - (A) suidae and:
 - (i) has been released or escaped from captivity; or
 - (ii) is a member of a breeding population in the wild; or
 - (B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or this article.

(d) A person:

- (1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or this article; and
- (2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) As used in this rule, “exotic mammal” means a species that is:

- (1) not native to Indiana; or
- (2) extirpated from Indiana and either a:
 - (A) wild animal; or
 - (B) feral animal other than a dog or cat.

(Natural Resources Commission; 312 IAC 9-3-18.5)

SECTION 3. 312 IAC 9-10-21 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-21 Cervidae possession permit

Authority: IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32

Affected: IC 4-21.5; IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.

(c) An application for a cervidae possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:

- (1)** Deer (all species, except white-tailed deer, *Odocoileus virginianus*).
- (2)** Elk (*Cervus canadensis*).
- (3)** Caribou (all species).
- (4)** Moose (*Alces alces*).
- (5)** A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the:

- (1)** acquisition of an animal within Indiana; or
- (2)** importation of an animal into Indiana.

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters- and holding pens may not be used as primary housing. The following shall be provided as required for the comfort of the particular species of animal:

- (1)** Fresh water.
- (2)** Windbreaks.
- (3)** Shelters.
- (4)** Shade.
- (5)** Bedding.

Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. Upon a request by a conservation officer, any cage or other enclosure must be made available for inspection.

(f) Each animal possessed under this section must be lawfully acquired. At least one (1) of the following shall be presented for inspection upon the request of a conservation officer:

- (1)** A receipted invoice.
- (2)** A bill of lading.
- (3)** Other satisfactory evidence of lawful acquisition.

Documentation in the form of a copy of a valid cervidae possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local, or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

- (1) Malnutrition.**
- (2) Illness.**
- (3) Disease.**
- (4) Injury.**
- (5) Stress.**

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A person must not sell a wild animal possessed under this section if the person knows or should know the animal is diseased.

(j) A permit holder must do the following:

(1) Record all transactions by which a wild animal possessed under this section is:

- (A) sold;**
- (B) traded;**
- (C) loaned;**
- (D) bartered; or**
- (E) given;**

to another person on a departmental form or computerized record.

(2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction and provide a copy to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

- (A) The cervidae possession permit number.**
- (B) The buyer's and seller's name and address.**
- (C) The number of animals sold.**
- (D) The species of the animal sold.**

(k) A permit expires on December 31 of the year the permit is issued. The permit holder must provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the number:

- (1) bought;**
- (2) sold;**
- (3) born;**
- (4) traded;**
- (5) gifted;**
- (6) of deaths; and**
- (7) on hand.**

(l) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and:

- (1) the permit may be suspended or revoked under IC 4-21.5; and**
- (2) the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.**

(m) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A provision of a permit issued under this section.**
- (2) All applicable state, local, or other federal laws.***(Natural Resources Commission; 312 IAC 9-10-21)*

RULE RECORD FOR
LSA DOCUMENT #05-262(F)

FISCAL YEAR 2005–2006

LSA Document #05-262(F)

(Administrative Cause Number 05-156D)

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife,
Department of Natural Resources, Indiana Government Center-South, 402 W.
Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382,
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Document History

LSA Document #05-262(F)

Notice of Intent Published: October 1, 2005; 29 IR 55

Proposed Rule Published: January 1, 2006; 29 IR 1249

Hearing Held: February 2, 2006

Approved by Attorney General: April 28, 2006

Approved by Governor: May 9, 2006

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted July 3, 2006

No comments, questions or complaints were received from small businesses with respect to this rule that establishes a special youth deer hunting season (312 IAC 9-3-2.5).

The Natural Resources Commission gave final adoption to rule package LSA #05-262(F) at its March 21, 2006 meeting. No comments were received.

Excerpt from the Hearing Officer Report dated March 3, 2006.

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2. REPORT OF PUBLIC HEARING AND COMMENTS

a. Public Hearing

On February 2, 2006 at 3:00 p.m. the public hearing was convened. Department personnel in attendance were Linnea Petercheff of the Division of Fish and Wildlife and Lt. Col. Michael Crider, Division of Law Enforcement. Three citizens in attendance offered comments in favor of the proposed rule package as summarized below.

Jack Corpuz

“Pheasants Forever”

jack.corpuz@sbcglobal.net

Mr. Corpuz advised that “Pheasants Forever” was one of the groups involved in drafting language for the proposed rule package. He has reviewed youth hunting programs in adjacent states and believes that Indiana’s youth hunting efforts are lagging behind, which in his opinion is contributing to decreased interest in hunting sports and declining hunting license sales. While adjacent States are also facing declining hunting license sales and a decreased interest in the hunting sports, adjacent States with proactive youth hunting programs are recognizing less severe declines than those without such programs. Mr. Corpuz concluding by stating that he believes this effort is a good step towards improving interest in hunting and increasing hunting license sales. He took the opportunity to thank Director Hupfer and other personnel within the Department who were instrumental in bringing this effort forward.

Steve Rilenge

“Safari Club International”

srilenge@msn.com

Mr. Rilenge stated that Safari Club International was also involved in the proposal of this rule package. He advised that there were fourteen individuals representing various organizations who ultimately “got together to make this work.” Mr. Rilenge agreed with Mr. Corpuz’s assessment that Indiana is experiencing a declining interest in the hunting sports as a contributing factor to Indiana’s decreased hunting license sales and believes that youth hunting programs are necessary to reverse this trend. Thanks were conveyed to Director Hupfer, as well as the Department’s Divisions of Law Enforcement and Fish and Wildlife for their work on the rule package.

Bill Herring

bherring@insightbb.com

Mr. Herring commented that he supports the effort being put forth to improve youth hunting opportunities and stated that he has been proposing such programs for many years. Mr. Herring stated that he believes the dates for the youth deer hunting season were well chosen because it provides for decent weather and the possibility of seeing deer. He too recognized the need for youth hunting programs in encouraging the hunting sports and increasing Indiana's lagging hunting license sales. Mr. Herring took the opportunity to thank Director Hupfer and the Department for their work in furtherance of youth hunting programs. Mr. Herring provided copies of three letters he had sent to the Department's Division of Fish and Wildlife Director, Gary D. Doxtater between 1995 and 1998 encouraging the development of youth programs. The content of those letters is set forth below.

July 19, 1995

Mr. Gary D. Doxtater, Director
Division of Fish and Wildlife, Room W273
402 West Washington Street
Indianapolis, IN 46204

RE: Deer Hunting Regulations – Proposed Changes

Dear Mr. Doxtater:

Please consider the following suggested changes in deer hunting regulations:

Firearm:

add two-days to "firearm season" the last full weekend in October. Good for only for the harvest of BONUS deer by YOUTH and HANDICAPPED hunters, many of which have a hard time filling their tags during the usual November firearm season. We have only a limited number of deer hunters in the state and we should do more to "spread out the harvest" among all hunters and to encourage the taking of bonus deer to balance the deer heard numbers. We should also make deer hunting more attractive to young hunters if the hunting tradition is to survive the next century. Take a young or handicapped person hunting BEFORE regular firearm season and everyone benefits!

allow the use of rifles with the following cartridge limitations: must use a **rimmed** case at least 1.16 inches long; must contain a bullet at least .35 caliber; bullet must not be full metal jacked. We already allow the use of such cartridges in handguns and as far as I know they have not caused any unusual safety problem. Also, many people now use handguns with barrels as long as 16 inches. Ballistically, there is not a tremendous more bullet velocity to be gained by going from a 16-inch long handgun barrel to a 20-inch long carbine barrel as found on many lever action rifles chambered for .357, .41, and .44 Magnum cartridges. Also, by restricting the rifle cartridges to **rimmed** ones we will essentially eliminate the use of semiautomatic actions and use of large caliber belted magnum rounds. We will encourage the use of lever action and single shot actions, especially original and reproduction "black powder" types. There is a resurgence of interest in these rifles among shooters interested in history and the challenge of casting bullets and loading and shooting black powder cartridge rifles. I believe we could entice several of these primitive cartridge shooters to take up deer hunting. They should be good at it, considering the discipline they exercise in such sports as black powder cartridge metallic silhouette shooting. Thus, we increase recreational opportunities in Indiana.

Muzzle Loader

also allow the use of muzzle loading handguns of .50 caliber and larger. Smaller caliber handguns do not, in my opinion, propel a lead ball with sufficient velocity and energy to assure clean kills under field conditions with the margin of error that balls of .50 caliber and larger possess. For example, the muzzle velocity of typical .45 caliber round balls fired from handguns is typically less than the velocity of the same caliber balls at 100 yards when fired from rifles. And many, perhaps most, experienced muzzle loading deer hunters consider the .45 caliber rifle marginal (at best) at 100 yards with the round ball. The .45 caliber ball just does not have the velocity, momentum, and energy at that distance to perform in an ideal manner with an adequate margin for error (such as the need to penetrate relatively straight through a leg bone or shoulder blade and still have remaining enough punch to penetrate the lungs and the other side of the chest cavity). I have personally done some penetration experiments, which support this conclusion. I hope to do more such experiments in the next few months and write up the results in a periodical such as Muzzle Blasts.

Thank you for the opportunity to comment on the future of deer hunting in Indiana.

June 21, 1997

Mr. Gary D. Doxtater, Director
Division of Fish and Wildlife, Room W273
402 West Washington Street
Indianapolis, IN 46204

RE: Deer Hunting Regulations – Share the Tradition

Dear Mr. Doxtater:

To state the obvious, the future of deer hunting depends upon the continual introduction of more people (particularly youth) to the sport. We should do more to encourage our youth. One very attractive way is to have a special weekend in which only the youth can hunt deer. For this event to reach its maximum potential we should do everything reasonable to ensure the young hunters have a very **enjoyable first experience**. We should consider the following:

- 1) High probability that all who want can participate.
 - A. Statewide program without a drawing.
 - B. Use firearm or bow.
 - C. Weekend season.
- 2) High probability of decent weather (late October is optimum).
- 3) High probability that an adult mentor (not hunting) will be with the youth in the field.
 - A. Season should occur well before regular firearm season.
 - B. Consider requirement of adult not-hunting mentor in field with youth.
- 4) High probability of seeing deer (late October is optimum).
- 5) Increased possibility of bagging a deer and becoming knowledgeable about game, laws and hunter ethics (require hunter safety certificate).
- 6) Decreased possibility of resentment of adult deer hunters.
 - A. Limit bag to one (1) antlerless deer during this season.
 - B. Limit season to two (2) days only.
- 7) Decreased possibility of resentment of, or conflict with, upland game hunters or Cos.
 - A. Have season two (2) weeks before upland game season opens.
 - B. Require hunter orange for youth and adults, regardless of weapon used.

Thank you for the considering this proposal to “Share the Tradition.”

February 8, 1998

Mr. Gary Doxtater, Director
Division of Fish and Wildlife, Room W273
402 West Washington Street
Indianapolis, IN 46204

RE: Deer Hunting Regulations – Youth Firearm Season

Dear Mr. Doxtater:

I am very pleased to see that the Division of Fish and Wildlife has proposed a special youth firearm season in October. This will go a long way to introducing youth to many positive aspects of hunting, with an adult mentor to get them started in the right way. At the recent public hearings I heard some objections, or concerns expressed by some adults, most of which I believe were avid bow hunters. While some concerns were valid, I suspect many were based upon some degree of selfishness, or a resistance to any change in status quo for bow hunting. Please consider the following responses to some of the most common concerns expressed:

Concern: Extra shooting by youth hunters will spook deer for non-participating bow hunters.

Response: The number of squirrel, grouse, and dove hunters shooting during all (squirrel and grouse) or part (dove) of the October bow hunting season is **many times** greater than the number of youth firearm deer hunters. The extra shooting by the youth will be spread over the whole state so as to be hardly noticed by bow hunters.

Concern: Adult mentors will violate the laws in large numbers by shooting deer on the youth licenses.

Response: Any adult inclined to violate the law in this manner can already do so. Such outlaws can easily do it with a bow or firearm in **all** the existing deer seasons (total of 91 days in 1997 seasons). Two more days of youth firearm hunting in October will not likely change that. It is very easy for a squirrel hunter to drop a deer with a .22 caliber rifle and check it in on his or another person's archery license! All of our hunting regulations are based in large part on the integrity of licensed hunters. Why penalize aspiring young hunters because of a few adult outlaws?

Concern: As proposed, youth hunters could take an antlered deer during the peak of the late October rut and this is “unfair.”

Response: The proposed 2 days may or may not be peak rut days. Adult bow hunters would still have all of the other 29 days in October to hunt without youth “interference,” including 3 or 4 weekends, plus several days in November (in 1997 14 days including 3 or 4 weekends, plus several days in November (in 1997 14 days including 1 or 2 weekends) before firearm season begins. Some deer biologists say the peak breeding season is in November anyway. However, beginning youth hunters would regard their first deer as a trophy, even if it is a doe. Thus, to partially address this concern, I would suggest a change to allow only an antlerless deer. Further, I believe the 2-day youth hunt could be moved up to early or mid October to greatly minimize objections of some adult bow hunters jealous of the peak rut period.

Concern: Bow hunters (adult and youth) not participating in the youth firearms hunt should not be required to wear hunter orange on that weekend.

Response: Bow hunters are currently required to wear hunter orange during both the firearms and muzzle loading deer seasons (total of 32 days). Two more days out of the 91 (1997 season) days of bow hunting should not make a tremendous difference. However, to address this concern I would suggest a compromise in which only the youth firearm hunters and their adult non-hunting mentors wear hunter orange. It so happens that there are tens of thousands of squirrel, grouse, and dove hunters who do not wear hunter orange until early November on the opening day of upland game season. So far as I know, bow hunters have not been put in any unusual danger by this arrangement in the many years of its existence.

Thank you for considering these comments. I look forward to helping several youth get started deer hunting in a safe, ethical, and enjoyable environment.

b. Comments Received Outside Public Hearing

Clarence H. Williams

Newburgh, Indiana

I am in complete agreement with the special youth deer season EXCEPT I believe that the youth should be able to harvest any deer and not just antlerless deer.

We should be teaching them to be deer hunters, not just antlerless deer hunters.

David. F. Delaney

DDelaney@ecomunity.com

I would like to send a comment of support for the new youth deer hunt statewide. However, I would like to propose that the hunt be moved to the third weekend of October to allow for better weather and better deer movement.

John K. Haendiges

Ramsey, Indiana

I would like to go on record as being in favor of the proposed youth deer season, it's about time we set aside a day (or two) for the youth of Indiana to hunt deer without the pressure of adult competition.

Paul Vice

Seymour, Indiana

I am writing in support of the proposed youth deer hunting weekend as written. The weekend prior to archery season shouldn't affect bow hunters and by holding the youth season outside of general deer seasons, it doesn't provide an avenue for increased poaching activity. Any legal weapon is appropriate. Antlerless only is debatable, but I understand why the state is leaning that way. I support the Youth license and Hunter Ed. requirements. Initially, I wondered if there was enough manpower for the Hunter Ed. requirement. The online training may well have solved that issue.

c. Comments and Response by the Department of Natural Resources:

Linnea Petercheff

Division of Fish and Wildlife

The youth committee that approved the youth deer hunting season consisted of the following organizations:

The Sportsmen's Roundtable,
The Indiana Deer Hunter's Association,
The Indiana Bow Hunters Association,
Indiana Flycasters,
Pheasants Forever,
Quail Unlimited,
Safari Club International,
Hoosier Outdoor Writers,
The DNR Division of Law Enforcement, and
The DNR Division of Fish and Wildlife.

The proposed administrative rule to establish a special youth deer hunting season for youth aged 15 or younger only is because at age 16, a youth hunter could have a driver's license and not need an adult to drive them to a location to hunt. The intent of this rule proposal is to give youth hunters that may not otherwise be able to go hunting, the opportunity to do so.

Youth hunters can only take antlerless deer under this rule proposal for several reasons. First, the DNR currently has an administrative rule that allows deer hunters to take only one buck a year (with a couple of exceptions such as the urban deer zone) and some groups do not want a special season that would allow a youth hunter to take a buck when they would not have the same opportunity. Furthermore, our deer management biologist has indicated that the deer population appears to be at a very high level and more antlerless deer need to be taken in order to help reduce the population. Lastly, the dates being proposed for the season and the antlerless deer are provisions that were part of a compromise reached between the DNR and several hunting organizations to help establish this special season and at the same time, help to increase our antlerless harvest.

The DNR is proposing that this special youth deer hunting season take place prior to the start of the early archery season in order to try to provide an additional opportunity with added incentives to help the young hunter have a successful early experience and to limit the number of conflicts with other hunters. For example, during the third week of the early archery season, there would likely be many other archery hunters in the field that could affect the experience of a new youth hunter and reduce the number of locations where the youth hunter could hunt. Also, if the special youth deer hunting season were during the early archery season, it would create difficulties for law enforcement because the youth hunter will be allowed to hunt with a firearm, bow and arrow, or crossbow; whereas other hunters during the early archery season are restricted to the use of a bow and arrow. Again, the dates being proposed for the season were a compromise reached between the DNR and several hunting organizations to help establish this special season.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #05-262(F)

DIGEST

Adds 312 IAC 9-3-2.5 to establish a special youth deer hunting season the weekend before the start of the early archery season (October 1), to allow any youth 15 years of age or younger, accompanied by an adult of at least 18 years of age, to be able to take one antlerless deer during this special youth deer season, and to require the youth hunter to possess a valid youth hunting license, to have taken a hunter education course, and to comply with all other deer hunting regulations. Effective 30 days after filing with the Secretary of State.

312 IAC 9-3-2.5

SECTION 1. 312 IAC 9-3-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-2.5 Hunting deer during special youth season

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7

Sec. 2.5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual youth who is either of the following:

(1) Issued a license to hunt deer under IC 14-22-12-1(a)(24).

(2) Hunting deer under IC 14-22-11-1 or IC 14-22-12-7.

As used in this section, “youth” means an individual who is fifteen (15) years of age or younger by the date of the hunt.

(b) The season for hunting deer under this section is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(c) The seasonal limit for hunting deer under this section is one (1) antlerless deer.

(d) A youth who hunts a deer under this section must be:

(1) fifteen (15) years of age or younger; and

(2) accompanied by an adult of at least eighteen (18) years of age.

An adult accompanying the youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field and shall not be required to possess a deer hunting license.

(e) A youth hunter must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A youth hunter must not hunt deer unless wearing hunter orange. An adult accompanying the youth hunter must wear hunter orange while in the field.

(g) A youth must not hunt a deer under this section with any type of equipment except a firearm or bow and arrow, including a crossbow. A youth must not possess more than one (1) type of equipment to take a deer while in the field.

(h) The following requirements apply to the use of firearms under this section:

(1) A shotgun:

(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and

(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least .357 inch or larger. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading gun

must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzle loading gun may be possessed in the field outside lawful shooting hours only if:

(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or

(B) for flintlock firearms, the pan is not primed.

(3) Over-and-under combination rifle-shotguns are prohibited.

(i) The following requirements apply to the use of archery equipment under this section:

(1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.

(2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(3) Poisoned or explosive arrows are unlawful.

(4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.

(5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(6) No portion of the bow's riser (handle) or any:

(A) track;

(B) trough;

(C) channel;

(D) arrow rest; or

(E) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(j) The following requirements apply to the use of a crossbow under this section:

(1) No youth shall use a crossbow:

(A) of less than one hundred twenty-five (125) pounds pull; and

(B) that does not have a mechanical safety.

(2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(k) As used in this section, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.

(Natural Resources Commission; 312 IAC 9-3-2.5)

RULE RECORD FOR
LSA DOCUMENT #05-263(F)

FISCAL YEAR 2005–2006

LSA Document #05-263(F)

(Administrative Cause Number 05-104L)

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana
Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN
46204, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #05-263(F)

Notice of Intent Published: October 1, 2005; 29 IR 56

Proposed Rule Published: December 1, 2005; 29 IR 839

Hearing Held: January 4, 2006

Approved by Attorney General: April 28, 2006

Approved by Governor: May 9, 2006

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted May 15, 2006

Plese reflect for the record that I have received no comments other than those received in the progression of the hearing process for rule adoption. These are included in the administrative file.

The Natural Resources Commission gave final adoption to rule LSA #05-263(F) at its March 21, 2006 meeting. No comments were received.

Excerpt from the Hearing Officer Report dated January 23, 2006.

...

1. REPORT OF PUBLIC HEARING AND COMMENTS

A public hearing was scheduled for the Public Library, 205 Ferry Street, Vevay at 6:00 p.m. on January 4, 2006. The hearing was conducted as scheduled. Three members of the public attended. They were Pamela Acton, Bud Acton and Jon Johnson. In addition, Maj. Samuel Purvis and Conservation Officers, Steven Kinne and Chris Powell, from the Division of Law Enforcement, District 9, were in attendance.

Jon Johnson of Florence is an adjacent property owner who indicated he has a good view of Turtle Creek Bay. He said, the depth of the bay was "just a foot or two in some places." A particular problem is that there are persons who operate their personal watercraft to "go round and round in circles. Sometimes it's just awful." With an understanding a permanent rule would not be in effect for the 2006 boating season, Johnson expressed the hope the DNR would adopt a temporary rule for this year.

Bud Acton of Florence said the bay experiences a significant amount of public boating. "Most of those who use it a lot know it's shallow and only" operate boats at "idle" speed. Some people come from the across the Ohio River, at a Craig's Creek Lake which contains 400 acres or more, and expect Turtle Creek Bay to be larger than it is. He said they will sometimes operate at higher, unsafe speeds.

Pamela Acton of Florence characterized Turtle Creek Bay as being "very shallow. I have a paddle boat and there are places where the paddle boat hits the bottom." She said only a few people operate boats in the bay at high speeds, but these endangered themselves and others on the lake. She said citizens in the community were informed of the initiative to establish the entirety of Turkey Creek Bay as an "idle speed" zone and had heard of no opposition to the concept. Acton said she agreed with the concept that a temporary rule should be approved to make an idle speed restriction apply for the upcoming boating season.

Conservation Officer Steve Kinne said Turkey Creek Bay was a "small creek before the Markland Dam came in. It's pretty popular for bass fishing, but that's not usually the problem." He reported most people operate at idle speed, but some operate personal watercraft operate at higher speeds. He said he informed the owners of three marinas in the bay of the proposed new restriction on boating speeds, and none of them expressed opposition.

Conservation Officer Chris Powell expressed his agreement with Officer Kinne and the private citizens who spoke. He said he believed the rule amendment was needed for better law enforcement and to support public safety.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #05-263(F)

DIGEST

Amends 312 IAC 5-7-5, which establishes special watercraft speed zones on Ohio River embayments in Switzerland County, by making the entirety of Turtle Creek Bay an idle speed zone. Effective 30 days after filing with the Secretary of State.

312 IAC 5-7-5

SECTION 1. 312 IAC 5-7-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-7-5 Ohio River embayments and tributaries; Bryant Creek and Turtle Creek in Switzerland County; watercraft speed zones

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14

Sec. 5. A person must not operate a watercraft in excess of idle speed for the following embayments and tributaries of the Ohio River located in Switzerland County:

(1) On Bryant Creek within two hundred (200) feet of a boat launching ramp located in the northeast quarter of the northwest quarter of the northwest quarter of section 34, township 2 north, range 1 west as designated by buoys placed by the department.

(2) On Turtle Creek ~~for one thousand one hundred fifty (1,150) feet~~ **Bay** upstream from the confluence of the Ohio River and Turtle Creek.

(Natural Resources Commission; 312 IAC 5-7-5; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2375, eff Jan 1, 2002)

RULE RECORD FOR
LSA DOCUMENT #05-288(F)

FISCAL YEAR 2005–2006

LSA Document #05-288(F)

(Administrative Cause Number 05-126G)

Filed with Secretary of State: May 25, 2006, 3:15 p.m.

Small Business Regulatory Coordinator

Current Coordinator

James AmRhein, Assistant Director, Permitting and Compliance, Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, Room 293, Indianapolis, IN 46204, (317) 232-6961, jamrhein@dnr.in.gov

Past Coordinators

Brock A. Mayes, Department of Natural Resources, Division of Reclamation, R.R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayer@reclamation.dnr.state.in.us

Document History

LSA Document #05-288(F)

Notice of Intent Published: November 1, 2005; 29 IR 576

Proposed Rule Published: February 1, 2006; 29 IR 1733

Hearing Held: February 27, 2006

Approved by Attorney General: May 12, 2006

Approved by Governor: May 24, 2006

Filed with Secretary of State: May 25, 2006, 3:15 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted June 2, 2006

R.R. #2, Box 129
Jasonville, IN 47338
June 2, 2006

Ms. Jennifer M. Kane
Natural Resources Commission
Division of Hearings
Indiana Government Center South
402 W. Washington St., Room W 272
Indianapolis, Indiana 46204

Re: LSA #05-288(F)
SBRC Comment Report

Dear Ms. Kane:

As you are aware under IC 4-22-2-28.1 (i) the coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director: (1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and (2) before July 15 of each year during which the rule remains in effect. The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

As Small Business Regulatory Coordinator for the LSA #05-288(F) amendment filed by the Secretary of State on May 24, 2006 and effective 30 days from filing date. I am required to deliver a record of all comments received by June 5, 2006. At this time no comments have been received from small business affected by this rule. Required rule making procedures were followed starting with the public notice of intent to adopt a rule published in Indiana Register, all comment periods required by regulation were observed, and a public hearing was conducted on February 27, 2006. Any comments received during the hearing are on file with Division of Hearings. An electronic copy of this letter was also sent to you on June 1, 2006.

If you have any questions contact me at our office.

Sincerely,

Brock A. Mayes
Small Business Regulatory Coordinator (SBRC)
Division of Reclamation

/bm

cc: Bruce Stevens, Director Division of Reclamation
Herschel McDivitt, Director Division of Oil and Gas

The Natural Resources Commission gave final adoption to rule LSA #05-288(F). No comments were received.

Excerpt from the Hearing Officer Report dated February 28, 2006.

A public hearing was conducted as scheduled on February 27, 2006 at 10:00 a.m. (EST).

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

Nat Noland,
Director, Indiana Coal Council

Mr. Noland expressed his support for the proposed rule package.

Department of Natural Resources
Bruce Stevens, Division of Reclamation
Brock Mayes, Division of Reclamation
James AmRhein, Division of Oil and Gas

Department representatives stated that the proposed rule amendment package had been discussed with constituents of both the oil and gas and coal mining industries during the rule adoption process. They reported that no objections or comments, except for those expressed by Mr. Noland, had been received at any time.

b) Comments Received Outside Public Hearing

No comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #05-288(F)

DIGEST

Amends 312 IAC 16-1 to delete a citation to 312 IAC 17-3, the enabling statute for which was repealed by P.L.80-2005, SECTION 6, and to add definitions for eight terms utilized within IC 14-37-7 and 312 IAC 16-5-4. Effective 30 days after filing with the Secretary of State.

312 IAC 16-1-1

312 IAC 16-1-2.5

312 IAC 16-1-28.3

312 IAC 16-1-31.2

312 IAC 16-1-32.5

312 IAC 16-1-32.6

312 IAC 16-1-39.6

312 IAC 16-1-39.8

312 IAC 16-1-52

SECTION 1. 312 IAC 16-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-1-1 Definitions

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 1. The definitions in this rule apply throughout this article. ~~and 312 IAC 17-3.~~
(*Natural Resources Commission; 312 IAC 16-1-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2326; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

SECTION 2. 312 IAC 16-1-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-2.5 “Active underground mine” defined

Authority: IC 14-37-3

Affected: IC 14-34; IC 14-37

Sec. 2.5. “Active underground mine” means an underground coal mine permitted under IC 14-34 that is currently producing coal. (*Natural Resources Commission; 312 IAC 16-1-2.5*)

SECTION 3. 312 IAC 16-1-28.3 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-28.3 “Inactive underground mine” defined

Authority: IC 14-37-3

Affected: IC 14-34-19; IC 14-37

Sec 28.3. “Inactive underground mine” means an underground coal mine within the jurisdiction of IC 14-34, except an abandoned coal mine under the jurisdiction of IC 14-34-19 that is not currently producing coal. (*Natural Resources Commission; 312 IAC 16-1-28.3*)

SECTION 4. 312 IAC 16-1-31.2 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-31.2 “Intermediate string of casing” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 31.2. “Intermediate string of casing” means a length of pipe set below the surface casing string, but before the production casing is run, to isolate one (1) or more zones. (*Natural Resources Commission; 312 IAC 16-1-31.2*)

SECTION 5. 312 IAC 16-1-32.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.5 “Mine floor” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 32.5. “Mine floor” means the upper surface of a stratum underlying a coal seam, whether or not the coal seam has been extracted. (*Natural Resources Commission; 312 IAC 16-1-32.5*)

SECTION 6. 312 IAC 16-1-32.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.6 “Mine plan” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec 32.6. “Mine plan” means a map filed under 312 IAC 16-5-4(b) by a person having title or legal interest showing the land on which a commercially mineable coal resource exists. (*Natural Resources Commission; 312 IAC 16-1-32.6*)

SECTION 7. 312 IAC 16-1-39.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.6 “Permit boundary” defined

Authority: IC 14-37-3

Affected: IC 14-34; IC 14-37

Sec 39.6. “Permit boundary” means that area on which mining operations will affect the ground surface or in which underground mine workings are, or will be, located as designated on the maps approved by the division of reclamation as a part

of the mining permit issued under IC 14-34. *(Natural Resources Commission; 312 IAC 16-1-39.6)*

SECTION 8. 312 IAC 16-1-39.8 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.8 “Pillar” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 39.8. “Pillar” means a column of coal or rock remaining after removal of coal for the purpose of supporting the overlying strata and materials. *(Natural Resources Commission; 312 IAC 16-1-39.8)*

SECTION 9. 312 IAC 16-1-52 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-52 “Workable limits” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 52. “Workable limits” means the boundary of the coal resource that can be mined using current mining technology. *(Natural Resources Commission; 312 IAC 16-1-52)*

RULE RECORD FOR
LSA DOCUMENT #05-344(F)

FISCAL YEAR 2005–2006

LSA Document #05-344(F)

(Administrative Cause Number 05-148A)

Filed with Secretary of State: June 9, 2006, 3:40 p.m.

Small Business Regulatory Coordinator

John Bergman, Department of Natural Resources, Division of State Parks and Reservoirs,
Indiana Government Center-South, 402 West Washington Street, Room W298,
Indianapolis, IN 46204, (317) 232-4131, jbergman@dnr.in.gov

Document History

LSA Document #05-344(F)

Notice of Intent: 29 IR 1245

Proposed Rule: 29 IR 1975

Hearing Held: March 27, 2006

Approved by Attorney General: June 6, 2006

Approved by Governor: June 9, 2006

Filed with Secretary of State: June 9, 2006, 3:40 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

Submitted on August 8, 2006

I received no comments, questions or complaints from small businesses with respect to this rule concerning motorized carts that modified rules concerning motorized carts on DNR properties within 312 IAC 8-2-8. Current modifications were to allow and limit carts in DNR campgrounds and set the age they could be operated.

The Natural Resources Commission gave final adoption to rule LSA #05-344(F) at its May 16, 2006. No comments were received.

Following is an excerpt from the Hearing Officer Report dated April 18, 2006:

II. REPORT OF PUBLIC HEARING AND COMMENTS

A. Public Hearing

The public hearing was convened as scheduled on March 27, 2006. No member of the public appeared.

B. Public Comments Before Close of Comment Period

Several persons provided comments on the rule proposal outside the public hearing and before the comment period was closed on April 15, 2006. These are set forth below:

John Whitsitt of 2104 North Chestnut Street, Huntingburg, Indiana, telephoned on March 24, 2006 with the following oral comment:

There is a group of us that are retired. We love camping in the parks. For example, Patoka Lake is a beautiful property. Everyone in our group has someone with a physical disability. We are not opposed to some restrictions, but we would like to be able to use the golf carts from the camping areas to the beaches to the nature centers and to the docks. Brown County State Park might present safety issues, but a property such as Patoka Lake presents good opportunities. We believe more liberal allowances for golf carts would enhance revenues. Currently, we use park facilities in Kentucky, but with more liberal standards for golf carts in Indiana, we would use our state's park facilities more frequently.

Robert Wang at budwang@gmail.com sent an email on March 26, 2006:

I am certainly in favor of giving elderly (don't agree with the 65-should be 50) disabled the ok to use golf carts-but think you all miss the military disabled issue once again.

Also would like to encourage a military discount to parks along with a special discount for those on military disability-similar to SD and other states.

Ann Miller of Napoleon, Indiana at miller801@hotmail.com sent an email on March 26:

Dear Sir or Madam,

I strongly oppose the use of motorized golf carts or any other type of motorized vehicle use on or in state properties and camp grounds.

Let's take a global view of our actions. All motorized vehicles contribute to global warming (even the electricity used to power some via batteries comes from electrical generators that pump sulfur, mercury, and carbon monoxide into our atmosphere). The resultant global warming has the earth hanging on the edge of a major climatic catastrophe.

Further, we are at war, fighting foreign nations to obtain their natural resources in order to continue a non-sustainable American life-style. Our children should not die for the right of Americans to over-consume and cruise around in a motor vehicle, for the fun of it.

Disabled have special needs forms of transportation, and should be encouraged to use that existing mode.

The remainder of the population could benefit from walking, relaxing, and enjoying the peace and quiet that we now have, without the intrusion of noisy, path-destroying, resource-gobbling vehicles created so the lazy can “enjoy” our natural resources without walking. One does not have to be in a hurry to enjoy a day at the camp. My 80-year old Dad, with diabetes and missing toes, was able to walk on my arm around many state parks, natural areas, and campgrounds before he passed away. He always said, if you get in a hurry, you miss what’s right below your feet.

Our addiction to oil, and other forms of finite resources and the consequences of mis-using them, must end if we are to achieve world peace, environmental health, and the long-term quality of life of all citizens of this earth.

As stewards of our state lands, you are in a position, even when it comes to simple rule-making, to help stop the massive global environmental and health catastrophes that are directly tied to Americans consuming too much, for the sake of their personal convenience.

Just say NO to allowing the misuses of natural resources for clearly non-essential, American laziness.

Norman Fleenor of Goshen, Indiana at normanfleenor@comcast.net wrote by email on March 26:

I see no reason not to allow a handicapped individual to use a golf cart in a state park.

However I do believe rules should be changed to ban moped and mini bike use by minors in state parks.

It is very annoying to hear chain saw sounds all day in a camp site.

I am a Boy Scout leader and we camp here and in parks in the surrounding states.

Indiana Parks are by far the noisiest.

Joe Germano of jjgermano@gmail.com wrote by email on March 29, 2006 in substantive part:

I find that as I approach senior status - I need exercise more than ever! I frequent Clifty Falls State Park regularly and hike the trails with a Camelbak loaded with 35 lbs. of kitty litter (for weight) along with biking the paved roads throughout this great park.

At the camping area of Clifty, visitors are required to park near the camping check-in gate due to traffic congestion and safety (I suspect) - and even now that is without the cart nuisance.

If you allow persons 65 or older (without an ambulatory disability) to operate a such conveyances, I feel it would be a great injustice for those who choose “for” due to lack of exercise... AND those who chose “against” - due to creating a traffic nuisance and safety hazard.

Perhaps the rule should be ONLY to allow persons with a Social Security Administration recognized disability (at any age) to be a passenger, or given the proper credentials operate such a motorized cart.

Overviewing the below definition -

To help control noise pollution, only allow motorized carts that utilize electric motors.

I would also specifically identify the all terrain vehicle (ATV) preferably directly within the proposed rule or within 0.5(b).

IC 14-19-1-0.5

"Motorized cart"

Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

- (1) motor driven, either by gas or electricity;
- (2) used to carry passengers or equipment; and
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles

such as a:

- (A) passenger motor vehicle (as defined in IC 9-13-2-123);
- (B) recreational vehicle (as defined in IC 9-13-2-150); or
- (C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
- (2) a motorcycle (as defined in IC 9-13-2-108);
- (3) a motor scooter (as defined in IC 9-13-2-104);
- (4) a motorized bicycle (as defined in IC 9-13-2-109); or
- (5) an off-road vehicle.

First Sergeant Michael Swafford of Law Enforcement District 5 (Cloverdale) wrote by email on April 4, 2006:

After patrolling our properties for almost 26 years I can honestly say that I do not think allowing seniors to operate golf carts in the campgrounds is a good idea. It will be another problem to have to deal with. People going where they are not suppose to go, slowing up traffic, blocking traffic, operating drunk. It's good for them but adds to the many problems we already have.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #05-344(F)

DIGEST

Amends 312 IAC 8-2-8 to provide for the use of motorized carts at state parks and recreation areas consistent with amendments to IC 14-19-1-1 that were enacted through HEA 1765-2005. Effective 30 days after filing with the Secretary of State.

312 IAC 8-2-8

SECTION 1. 312 IAC 8-2-8, AS AMENDED AT 29 IR 463, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

Affected: IC 14-19-1-0.5; IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades, curves, or where posted; or

(2) other than on a public road.

(b) A person must not park:

(1) a vehicle;

(2) watercraft; or

(3) associated equipment;

except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:

(1) The person must demonstrate both of the following:

(A) The person holds a valid driver's license.

(B) The person is either of the following:

(i) At least sixty-five (65) years of age that is evidenced by the valid driver's license.

(ii) Has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.

(2) A person must not operate a motorized cart other than within a campground.

(3) A motorized cart must meet the following lighting requirements if operated between the hours of sunset and sunrise:

(A) Have a lamp on the front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart.

(B) Have a lamp on the rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.

(4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

(5) As used in this subsection, "campground" means an area where provisions are made for the accommodation of any of the following:

(A) Tents.

(B) Recreational vehicles.

(C) Vacation mobile homes.

(6) As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.

~~(e)~~ **(d)** A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

(1) hike;

(2) bike;

(3) ski;

(4) horseback ride; or

(5) operate an off-road vehicle or snowmobile;

except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

~~(d)~~ **(e)** A person must not operate or maintain a watercraft on a lake:

(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:

(A) two (2) 12-volt batteries; or

(B) one (1) 24-volt battery;

(2) except under motor horsepower and speed zone requirements applicable to the lake; and

(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

~~(e)~~ **(f)** A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes.

A person must not:

(1) leave a watercraft unattended in a courtesy dock provided by the department; or

(2) moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

~~(f)~~ **(g)** A person must not leave a vehicle, watercraft, or associated equipment at a DNR property unless the person is actively engaged in the use of:

(1) a DNR property; or

(2) an adjacent:

(A) public freshwater lake; or

(B) navigable waterway.

- ~~(g)~~ **(h)** A person must not land, taxi, take-off, park, or moor:
- (1) an aircraft;
 - (2) a hang glider;
 - (3) an ultralite;
 - (4) a powered model aircraft; or
 - (5) a hot air balloon;

except at a site designated for that purpose or pursuant to a license.

(Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: 20060705-IR-312050344FRA)